



## **BULKY DOCUMENTS**

(exceeds 300 pages)

**Proceeding/Serial No:** 91170863

**Filed:** 02-05-2008

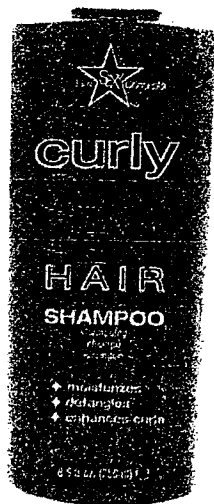
**Title:** Opposer's Trial Brief

**Part 4 of 4**





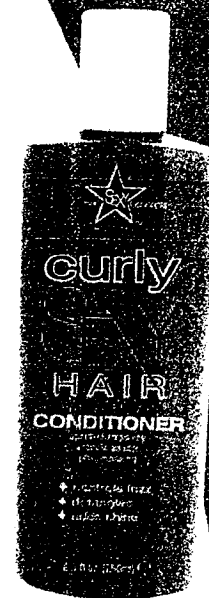
"CURLY SEXY HAIR twists and flaunts new zones through shape, color, length and style. Fashion no longer confine them." Michael O'Rourke



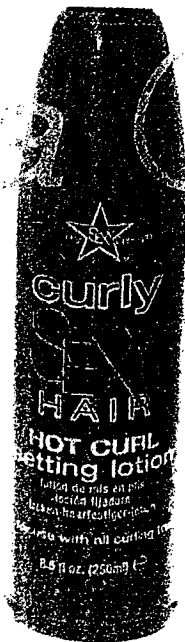
SHAMPOO

• moisturizer  
• detangler  
• enhances curl

CONDITIONER



SEX HAIR



HOT CURL



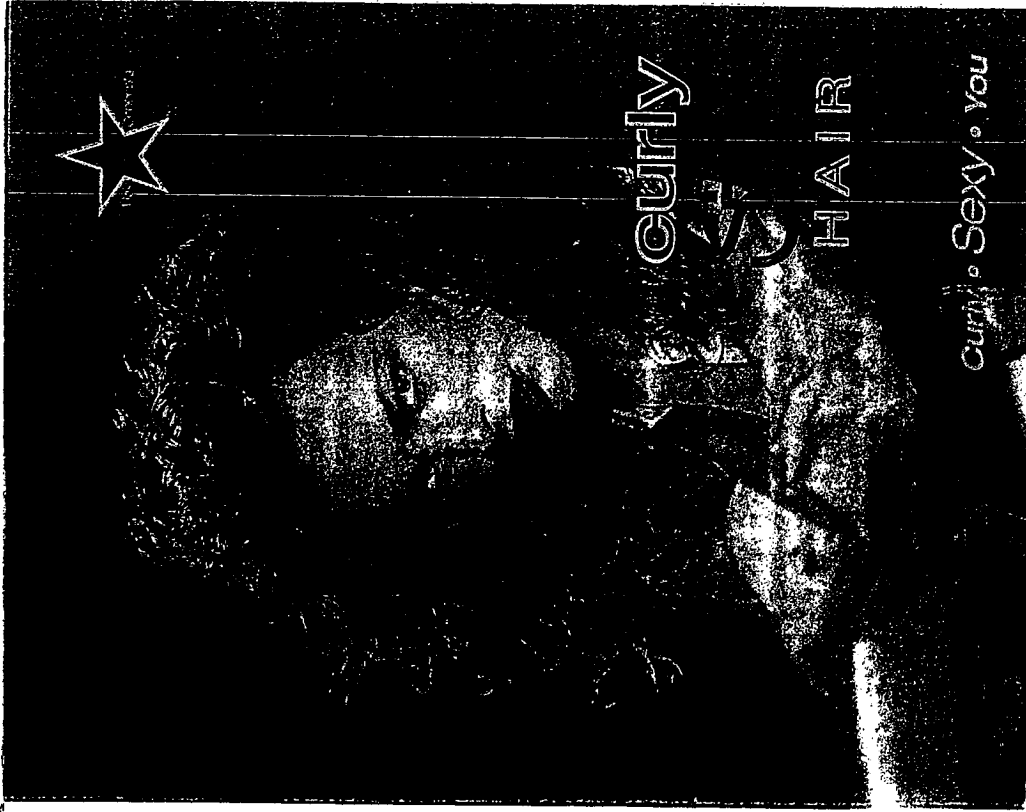
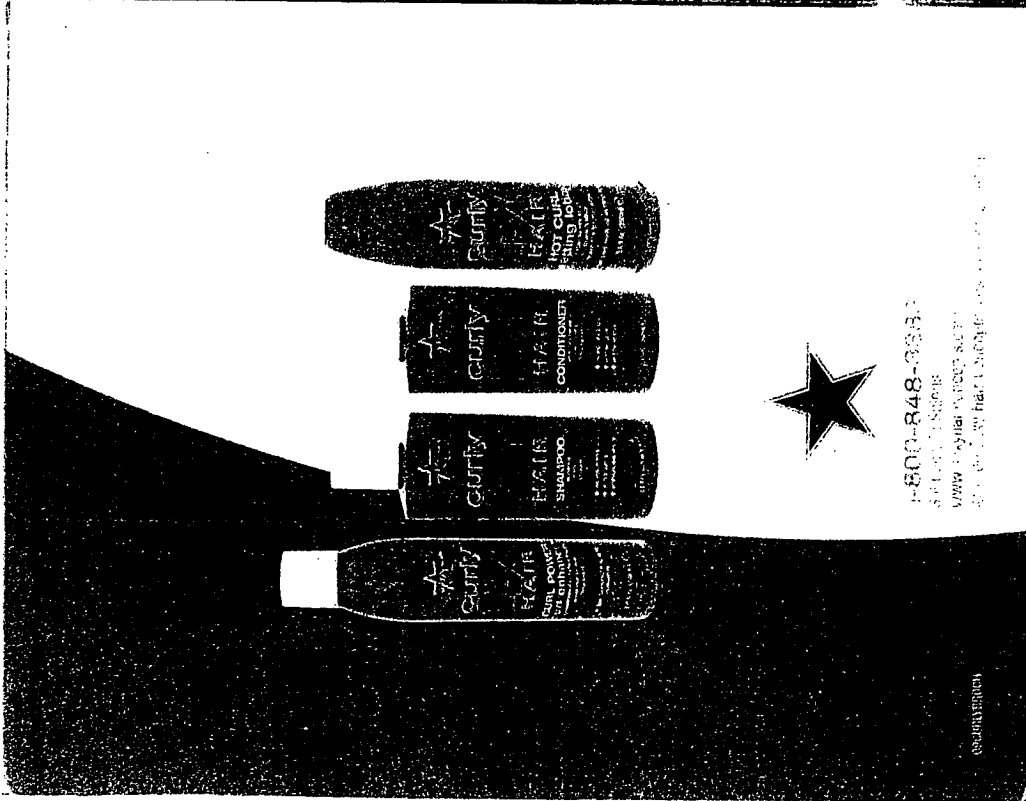
CURL POWER

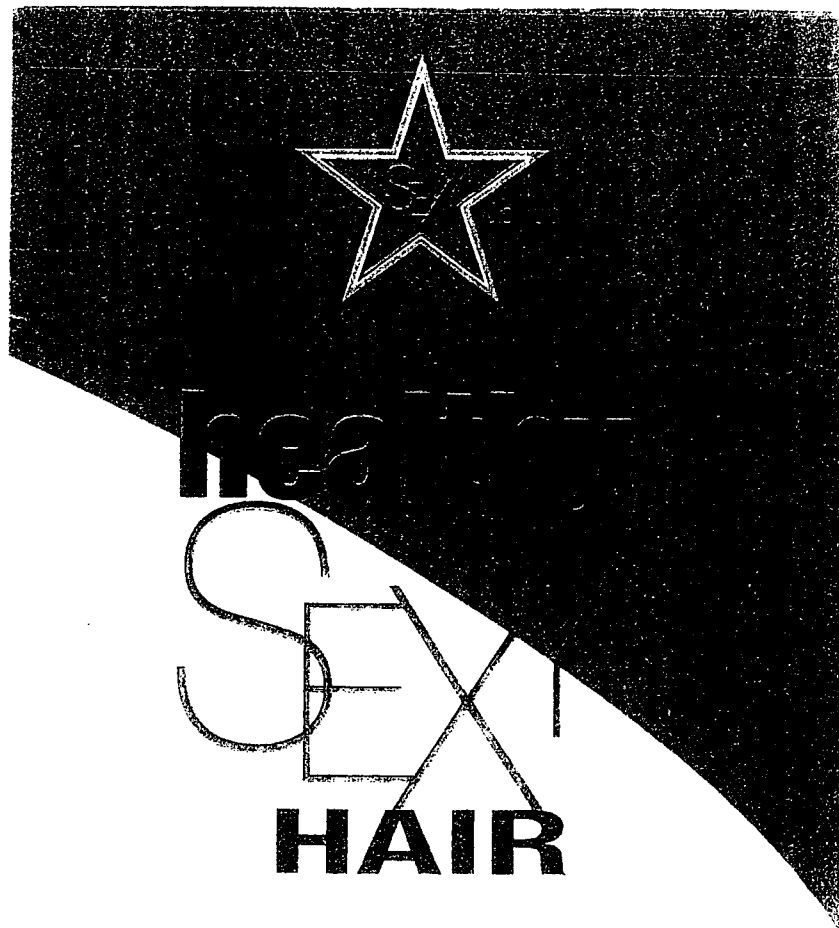
POWER

curly  
SEX  
HAIR

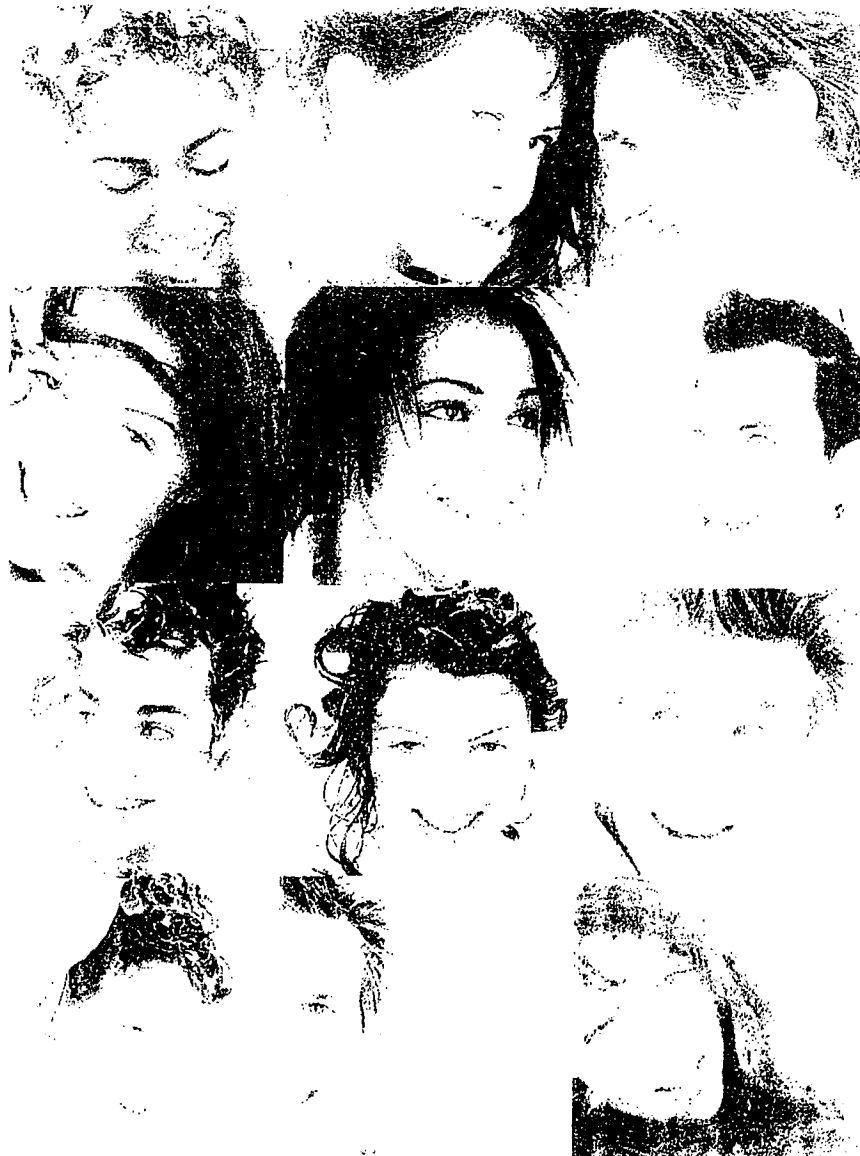
Application

SH 0156





The First Complete Soy Based Haircare Line  
In The Professional Beauty Industry.





**Get Healthy.  
Get Sexy.  
Get  
Healthy Sexy Hair.**

**\*Is your hair hungry?**

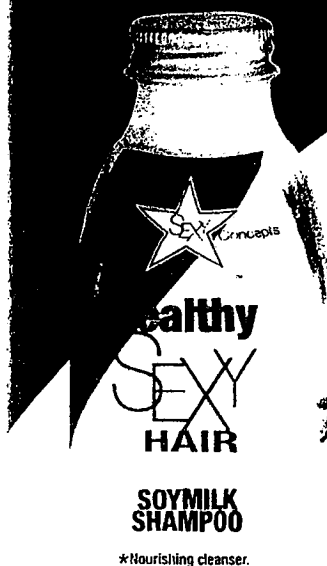
Then feed it with the  
benefits of Soy.

Soy is a moisture and  
protein rich product  
that is great for the body,  
and incredible for the hair.

Soy adds strength and shine  
while defending hair from  
the chaos of the environment.

Give your hair Soy.  
Good on the inside,  
good on the outside.

# MILK



\*Nourishing cleanser.

Shampooing au lait de soja  
Champoú de leite de soja  
Soya Milk Shampoo

8.5 fl oz. (250ml)

## \*Nourishing Cleanser

\*This Soy blend penetrates and feeds the hair nourishment while it cleanses.

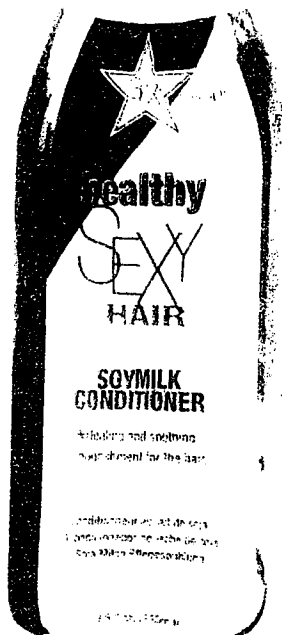
\*Restores the hair's lost emollients, pliability and sheen.

\*This gentle shampoo helps prevent color loss while it strengthens the hair.

\*Can be used daily.

Rejuvenate your hair.

## SOYMILK CONDITIONER



\*Healing and Soothing Nourishment  
for the Hair.

\*Replaces amino acids and moisture in  
the hair to strengthen and hydrate.

\*Leaves the hair soft, full and manageable.

\*Protects hair from the sun.

\*Can be used daily.

Protect your hair.

## SOYTRI-WHEAT LEAVE-IN CONDITIONER

\*Nutritious protection for the Hair.

\*This strengthening combination of Soy  
and Tri-Wheat proteins defend the  
hair against the sun and environment.

\*Leaves hair incredibly soft  
and tangle free.

\*Can be used daily.



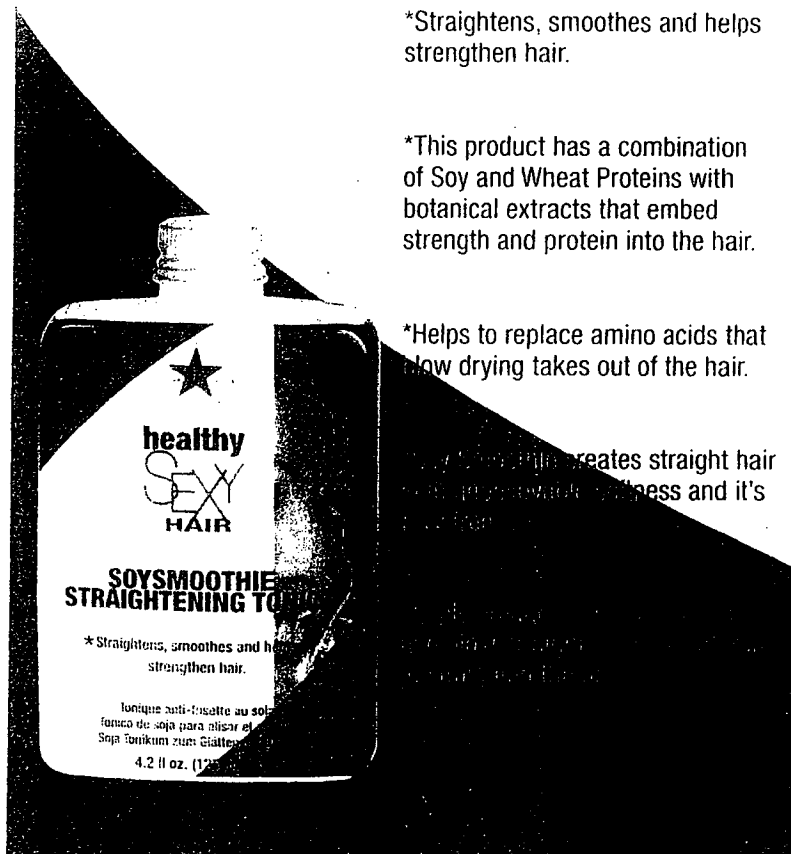
Smooth your hair.

## SOYSMOOTHIE STRAIGHTENING TONIC

\*Straightens, smoothes and helps  
strengthen hair.

\*This product has a combination  
of Soy and Wheat Proteins with  
botanical extracts that embed  
strength and protein into the hair.

\*Helps to replace amino acids that  
blow drying takes out of the hair.



Style your hair.

## SOYPASTE TEXTURE POMADE

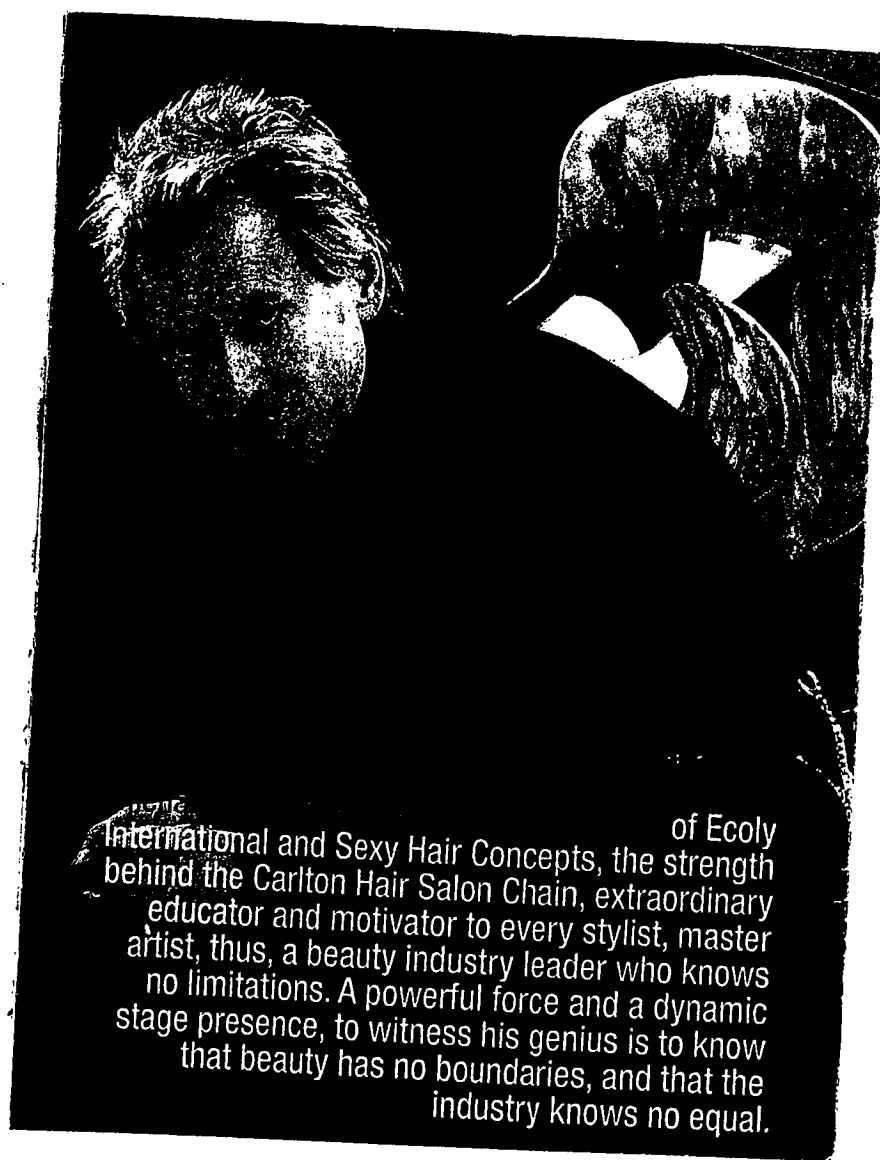
\*This non-greasy, soy based, texture pomade delivers a firm, pliable hold while giving ultimate texture, separation and moldability.

\*It's unique Soy-botanical blend strengthens the hair shaft and keeps hair moisturized and conditioned as its styles.

\*Never flakes and easy to wash out.

\*Use on dry hair to style.





of Ecoly  
International and Sexy Hair Concepts, the strength  
behind the Carlton Hair Salon Chain, extraordinary  
educator and motivator to every stylist, master  
artist, thus, a beauty industry leader who knows  
no limitations. A powerful force and a dynamic  
stage presence, to witness his genius is to know  
that beauty has no boundaries, and that the  
industry knows no equal.



Guaranteed Only When Sold  
In A Professional Salon.

**©2001 Sexy Hair Concepts**

Los Angeles, CA 91311

Hampstead London NW3

800-848-3383 Made in U.S.A.

**[www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)**

No Animal Testing

Soy and Shea Butter condition and moisturize as they give shine.

**SOY BUTTER**  
**PURE SHINE**

- Delivers intense shine
- Defines and details
- Lightweight hold
- Conditions and adds moisture
- Never heavy or greasy



*"There's nothing sexier than strong, healthy hair..."*

Michael O'Rourke  
CEO and Founder  
Sexy Hair Concepts



Guaranteed Only When Sold in a  
Professional Salon  
[www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)  
Los Angeles, CA 91311  
Hampstead London NW3  
(800)848-3383

© 2001 Sexy Hair Concepts

09HSBROCH01



**healthy**  
**SEXY**  
**HAIR**

*The first complete soy-based haircare line  
in the professional beauty industry.*

**SH 0169**



## \*repair

Soy Protein and Oatmeal help repair your hair from the extreme damage of chemical treatments.

### SOYSALVATION

#### DEEP TREATMENT HAIR MASQUE WITH OATMEAL

- Once a week, deep reparative pack that brings your hair back to life
- Intense conditioner that repairs and restores hair
- Great for overworked, chemically treated and damaged hair



## \*detangle

Soy and Tri-Wheat Proteins detangle and protect your hair from environmental stress.

### SOYTRI-WHEAT LEAVE IN CONDITIONER

- Instantly detangles hair
- Weightless
- Leaves hair incredibly soft
- Strengthens
- For all hair types

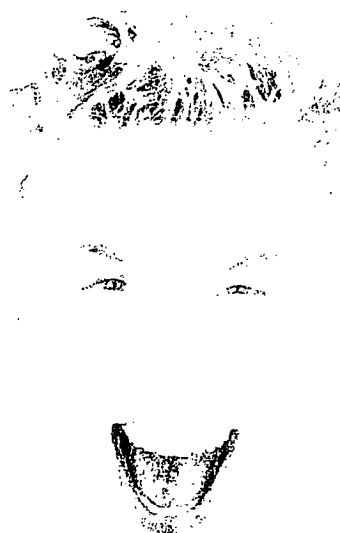


## \*smooth

Soy Protein replaces the amino acids lost during heat styling.

### SOYSMOOTHIE STRAIGHTENING TONIC

- Temporarily straightens hair
- Removes frizz
- Protects hair from styling stress
- Strengthens hair as it styles
- Works on all curly hair types
- Lightweight



## \*cleanse

Soy Protein is a gentle cleanser that nourishes the hair and helps protect color.

### SOYMILK SHAMPOO

- \* Gently cleanses
- \* Helps prevent color loss
- \* Strengthens
- \* Increases shine
- \* For all hair types



## \*condition

Soy Protein gives the hair strength, body and shine.

### SOYMILK CONDITIONER

- \* Weightless
- \* Adds moisture and strength
- \* Reduces frizz
- \* Increases shine
- \* For all hair types



## \*boost

Soy Protein gives the hair extra shine and moisture. Soy Fuel Power closes the hair's cuticle to help seal in color.

### SOYFUEL POWER

#### CONDITIONER BOOSTER

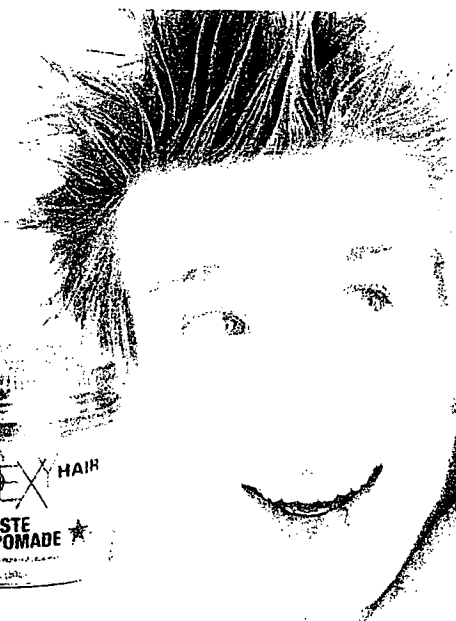
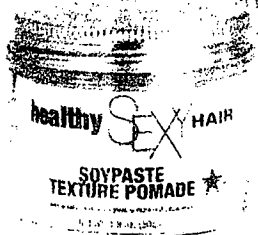
- \* Turns your daily conditioner into a super conditioner
- \* Use twice a week for extra conditioning, moisture and balance
- \* Provides extra shine, softness and color protection
- \* Great for dry and chemically treated hair

## \*texture

Soy Protein conditions the hair as you style.

### SOYPASTE TEXTURE POMADE

- \* Gives intense texture
- \* Separates, defines and details
- \* Conditions while styling
- \* Greaseless
- \* Great on short or long hair



## \*volumize

Soy Protein not only protects the hair, it gives the hair fullness and body.

### SOYA WANT FULL HAIR

#### FIRM HOLD HAIRSPRAY

- \* Gives firm, all day hold
- \* Volumizes and protects with soy
- \* Humidity resistant
- \* Dries on contact



## \*straighten

Soy and Wheat Proteins are sealed into hair as you style with a flat iron.

### SOYA WANT FLAT HAIR

#### FLAT IRON SPRAY

- \* First ever aerosol designed for use with flat iron
- \* Creates stick straight looks
- \* Protects hair from the heat of the flat iron
- \* Gives extreme shine
- \* Humidity resistant





#### SHORT SEXY HAIR FRENZY BULKED UP TEXTURE COMPOUND

# shortsexyhair

PROPERTY OF MICHAEL O'DOURKE

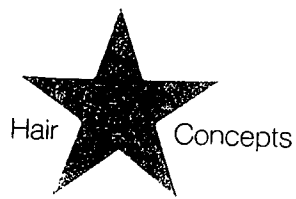
- Dual action to give bulked up volume & intense texture.
- Frenzy bonds to the hair to thicken up the hair shaft to create fullness & separation at the same time.
- This unique compound helps create today's messy and wild hairstyles.
- Delivers extra holding power to hold styles in place with a medium matte finish.
- Apply a small amount to dry hair and style. For more intense texture: throw your head upside down and work product vigorously through hair, creating random bits and pieces. Then throw your head back over and place chunks where desired.



#### SHORT SEXY HAIR SHATTER SEPARATE & HOLD SPRAY

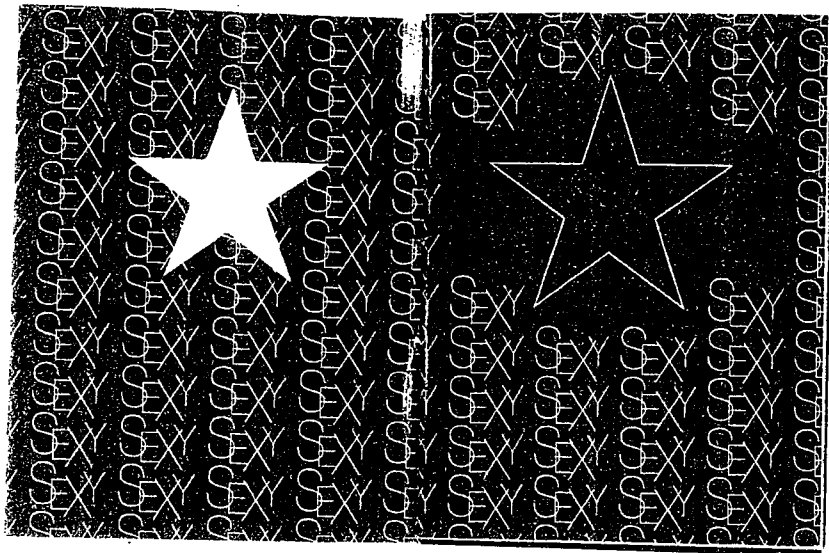
- Dual action to give hair extra separation and hold.
- First-ever texture spray with hold that's dry and non greasy. Never overly damp.
- Firm holding 55% VOC pump spray specifically designed to enhance shattered, jagged and textured hair styles.
- Unique new spray delivers a very controlled fine mist that goes only where you want it to go.
- Gives hair extra hold to keep it in place all day.
- Spray on damp hair and style with blow dryer or use on dry hair for extra separation and finishing hold.

For more information, call 800-848-3383 or visit our website: [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)



PROPERTY OF MICHAEL O'ROURKE

SH 0218



SH 0219



## WHAT'S SEXY ?

A vibrant spirit.

A passionate heart.

A playful laugh.

A curious mind.

Creative thoughts, sincere intent, meaningful  
gestures and a zest for life.

*(And it certainly won't hurt to have great hair).*

We made these products especially for you.

*Michael O'Rourke*

World Champion Hairdresser  
CEO & Founder-Sexy Hair Concepts



**BIG SEXY HAIR**

**Big Volume Shampoo**

- ✧ Moisturizes
- ✧ Maximum Fullness
- ✧ Protects Color

**Big Volume Conditioner**

- ✧ Weightless Moisture
- ✧ Detangles
- ✧ Helps Prevent Frizz

**BIG SEXY HAIR**

### **Volumizing Detangler**

- ✦ Adds Body
- ✦ Weightless
- ✦ Removes Tangles and Static Electricity
- ✦ Helps Prevent Split Ends



### **Root Pump Volumizing Spray Mousse**

- ✦ Unbelievable Fullness
  - ✦ Maintains Moisture
  - ✦ Medium Hold
- use on damp hair



### **Big Time Blowdry Gel**

- ✦ Ideal for Ultra Fine Flat Hair
  - ✦ Thickens and Adds Tremendous Body
  - ✦ For Use with Blow Dryer
- use on damp hair



### **Root Pump Plus Humidity Resistant Volumizing Spray Mousse**

- ✦ Extreme Hold
  - ✦ Great for Thick Hair
  - ✦ Maintains Moisture
  - ✦ Incredible Fullness
- use on damp hair



WE BIG BIG BIG BIG BIG BIG



***Spray and Play  
Volumizing  
Hairspray***

**Firm, Full, Flexible Hold  
Ultra Shine  
Humidity Resistant**

**use on dry hair**





**Blow It Up**  
Gel Foam

- Medium hold
  - Blow dry for big volume
  - Never feels stiff or sticky
- use on damp hair

**Hard Up**  
Hard Holding Gel

- X-trem hold & control
  - Dries fast
  - Never flakes
- use on damp or dry hair



SHORT ★ SHORT ★ SHORT ★ SHORT ★ SHORT



**STRAIGHT**



**STRAIGHT**

★  
straight  
**SEX**  
HAIR

**Straight Shampoo**

- ★ Relaxes curl
- ★ Adds shine
- ★ Moisturizes

**Straight Conditioner**

- ★ Relaxes curl
- ★ Detangles
- ★ Controls frizz

★  
straight  
**SEX**  
HAIR

**STRAIGHT**



☆  
straight  
FX  
VPR

- ★  
straight  
SEX  
NAIR



- ★  
straight  
SEX  
11/11/11

★  
straight  
EX  
11/11

- Smoothes frizz
  - Locks out humidity
  - Weightless shine
  - Great for thicker hair
- use on dry hair



### **Curl Power**

Boosts curls  
Leaves hair soft  
Effortless application  
Great for scrunching  
and diffusing

use on damp or dry hair



### **Hot Curl**

Protects hair from  
heat-styling  
Soft to medium hold  
Use with any heated  
styling tool

use on damp or dry hair



**SEXY**  
Highlights



**Color Stabilizing Shampoo**

- Gently cleanses hair
- Adds moisture and shine
- Protects hair color from fading



**Highlighting Shampoo**

- Cools down brassiness
- Amplifies highlights
- Strengthens hair





### Titanium Blonde Color Conditioner

- ☆ Pumps up the shine
- ☆ Drenches hair in moisture
- ☆ For use on highly bleached or platinum blondes

### Wheat Blonde Color Conditioner

- ☆ Amplifies highlights
- ☆ Pumps up the shine
- ☆ Drenches hair in moisture
- ☆ Great for golden blondes



### Hot Sexy Highlights Color Conditioners



Black Cat      Red Hot Mama      Foxy Brown

- ☆ Enhances all black, red and brown hair tones
- ☆ Protects hair color from fading
- ☆ Softens hair
- ☆ Adds shine

## Whipped Up Gel Foam



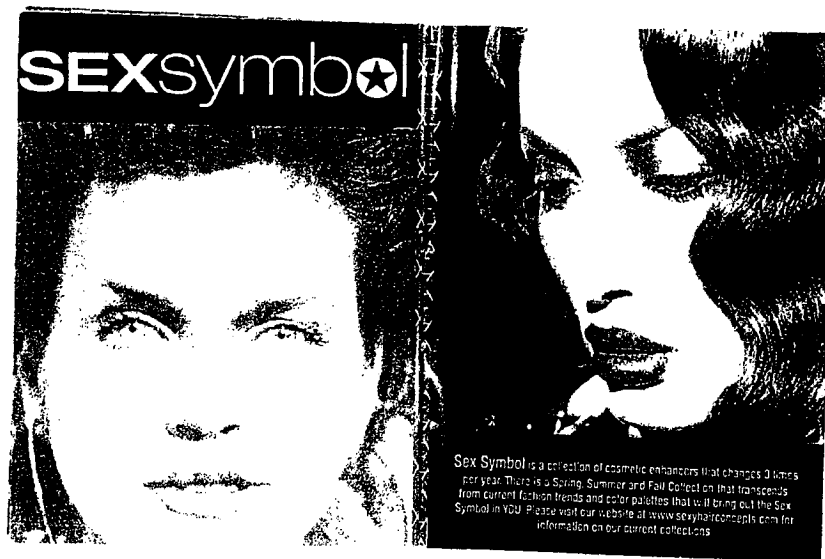
- Helps cool down brassy blondes
- Whips up the volume
- Indulges hair with moisture
- use on damp hair

## High Drama Glitter Spray



- Extra hold for extra drama
- Spray a little for looks
- Spray a lot for your own mini-series
- Seasonal colors

**SEXsymbol** ★



Sex Symbol is a collection of cosmetic enhancers that changes 3 times per year. There is a Spring, Summer and Fall Collection that transcends from current fashion trends and color palettes that will bring out the Sex Symbol in YOU. Please visit our website at [www.sexyhairconcepts.com](http://www.sexyhairconcepts.com) for information on our current collections.



1-800-848-3383  
Sold only in Salons  
[www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)  
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detangler

1 \* 800 \* 848 \* 3333



BIG  
SEXY  
HAIR



shampoo



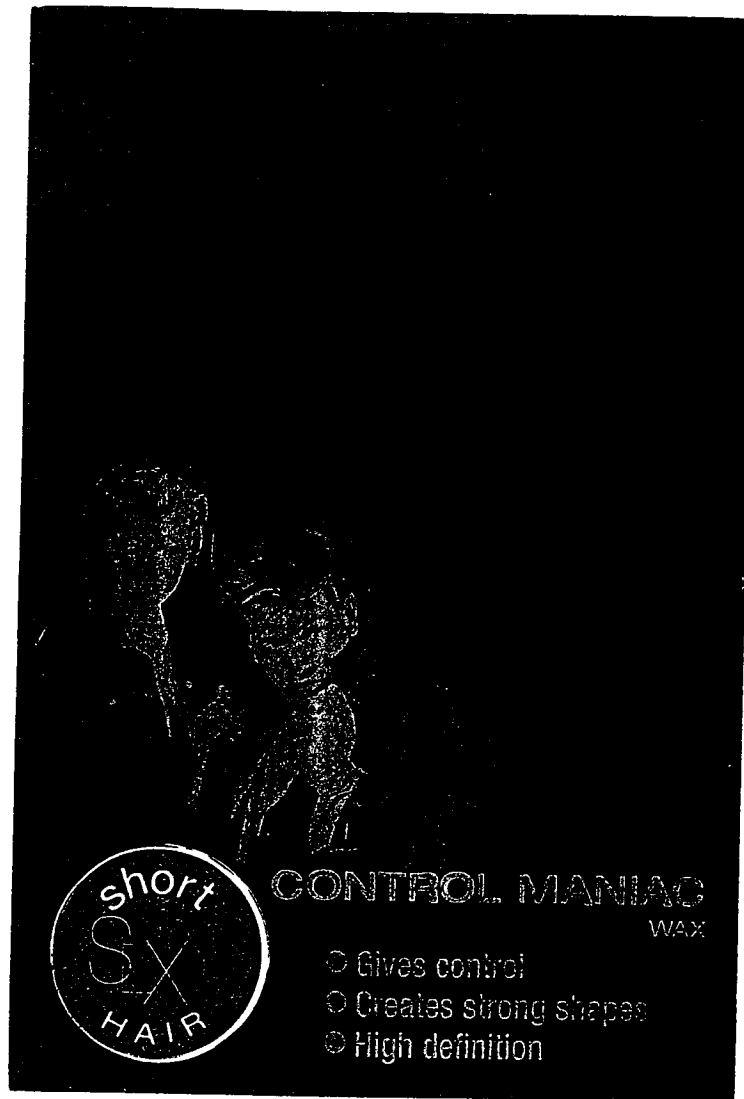
conditioner




**short**  
**SEXY**  
**HAIR**

**CONTROL MANIAC**  
WAX

- Gives control
- Creates strong shapes
- High definition

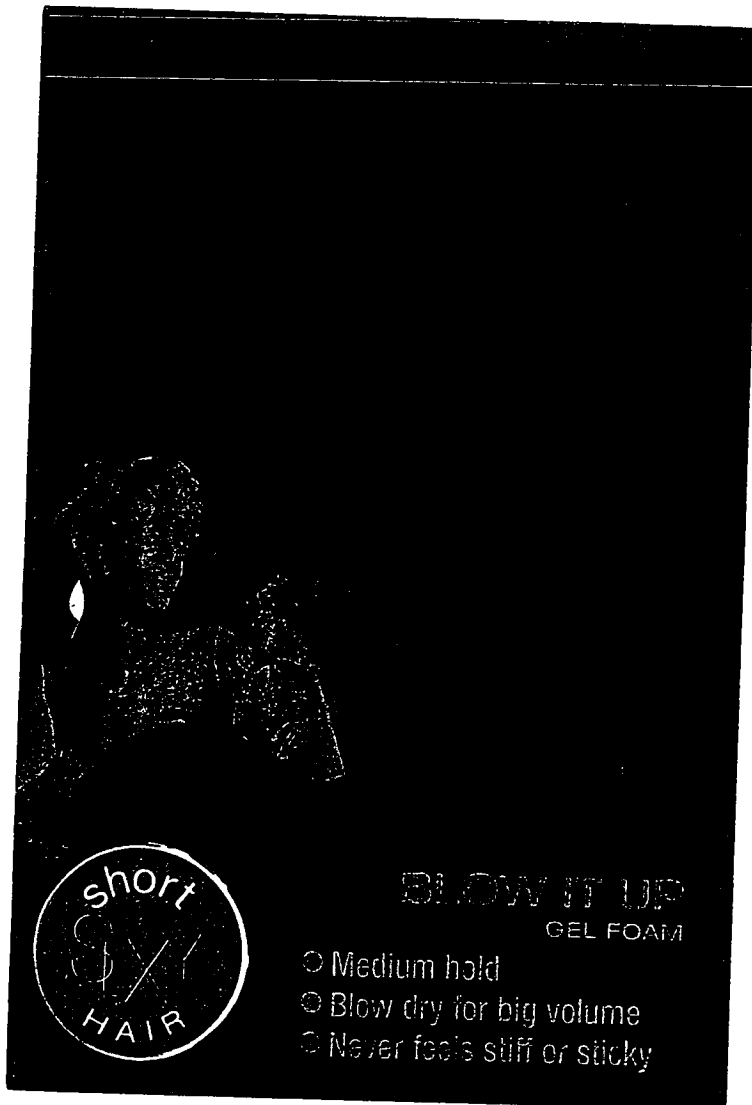





**short  
SEXY  
HAIR**

**BLOW IT UP**  
GEL FOAM

- Medium hold
- Blow dry for big volume
- Never feels stiff or sticky





**short**  
**SEXY**  
**HAIR**

**SLEPT IN**  
TEXTURE CREME

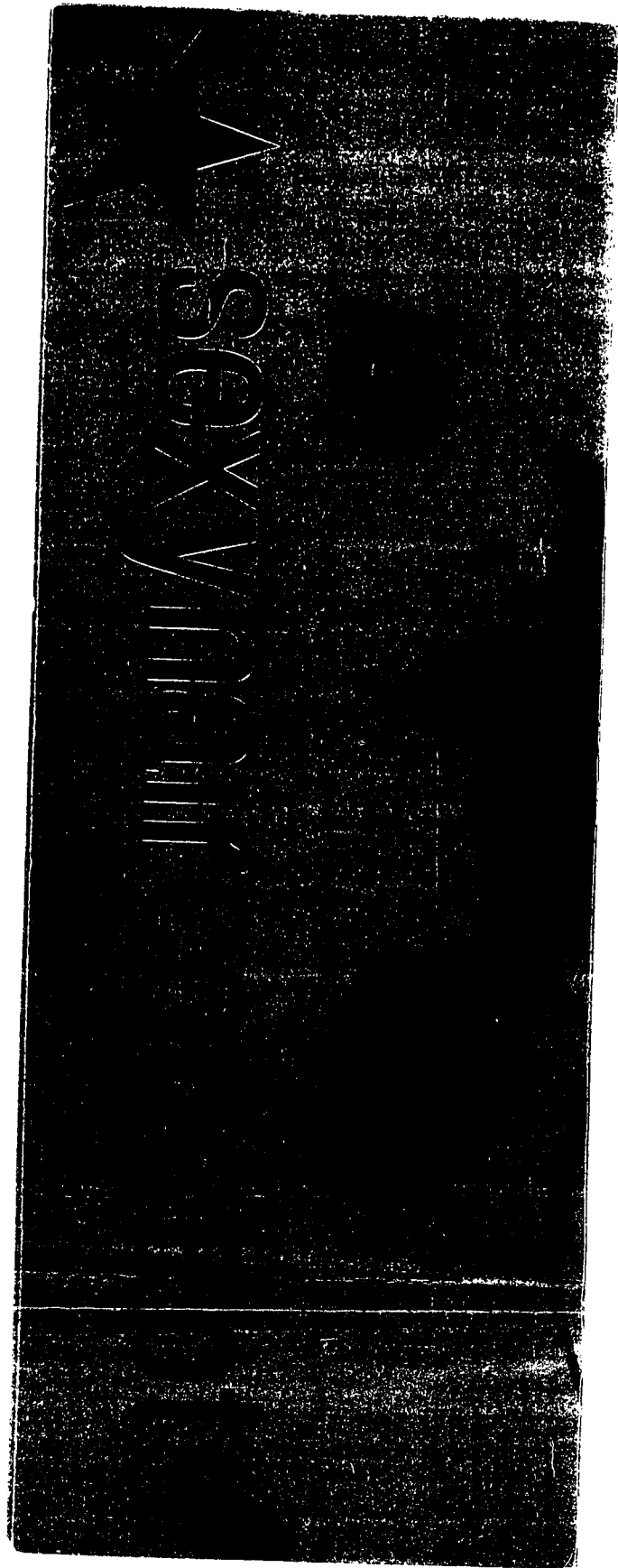
- Creates texture
- Gives 2nd day look
- Thickens and moisturizes hair



**short**  
**SEXY**  
**HAIR**

**QUICK CHANGE**  
SHAPING BALM

- Defines and separates
- Creates volume
- Changeable style



SH 0279

# editors

As seen in  
**ELLE**



**BODY BUILDERS**  
The new fitness craze...  
With the help of...  
...the most effective...  
...the most effective...  
...the most effective...



As seen in  
**COSMOPOLITAN**

## Have healthy hair

*Beware of overloading your hair with drying products in an effort to maintain your summer style and shine. Instead, give your locks some extra care. Be good, be gentle, and you'll be strokeably soft.*

**Summer Time:** detangling shampoo

**Winter Time:** moisturizing shampoo

Central heating is just as drying on your hair and scalp as it is on your skin. And outside, although wearing a hat will protect your scalp from the cold, it also keeps it from "breathing". Keep your scalp moisturized and your hair supple by using a nourishing shampoo.

**Cosmo loves:** Healthy Sexy Hair Soy Milk Shampoo, £7.95, is creamy and a godsend for winter-stressed tresses. Aveda Shampoo, £8.50, smells so gorgeous it has to be good for your hair. Nirvana Lavender Shampoo, £4.45, restores shine and vitality to dried out, dull hair.

**Summer Time:** detangling mist

**Winter Time:** super-charged moisturizer

Take some time to massage in a deep moisturizing treatment after >

COSMOPOLITAN DECEMBER 2001 141

As seen in

**PLATINUM**

**platinum**

Gwyneth

Power

Power

Power

Power

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Power

**Hot Sexy Highlights**  
High Drama Gold  
Glitter Spray, \$11.95



# know...

As seen in  
**HAIRDRESSERS JOURNAL**

## Love Sexy

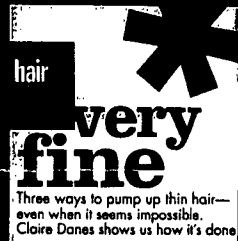
With its sultry tones and striking  
packaging, Sexy Hair Cosmetics is a volume  
in the nation's beauty renaissance.

It's hard to believe a product line packaging is so  
sexy. Sexy Hair Cosmetics, the hair care  
line from New York City, has captured the  
imagination of hairdressers and consumers alike.  
The line's success is due to its sexy, sultry  
and hard-core packaging, which is a volume  
in the nation's beauty renaissance.

Sexy Hair Cosmetics is a volume in the nation's  
beauty renaissance. The line's success is due to  
its sexy, sultry and hard-core packaging, which  
is a volume in the nation's beauty renaissance.



As seen in  
**SEVENTEEN**



JUN 10, 1998

EXTRA SKIN

# As seen in MODERN SALON

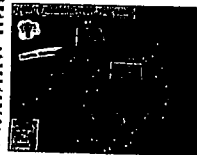
## BUSINESS

### A Survivor's Guide to Tough Times

BY MARK HILL

I have spent more of the past seven years than any other time in my career, both before and after, in the trenches of the business world. I have seen it all: the good times, the bad times, the tough times. I have seen it all: the good times, the bad times, the tough times. I have seen it all: the good times, the bad times, the tough times.

**1. Create Positive Energy**  
Start with yourself. Your attitude is the most important factor in determining your success. If you are negative, you will attract negative results. If you are positive, you will attract positive results. This is the law of attraction. It is a simple law, but it is a powerful law. It is the law of attraction. It is a simple law, but it is a powerful law.



Modern interior design and architecture.

that he takes care of himself mentally and physically. "I have to be in the best of health to be able to handle the stress of the business," he says. "I have to be in the best of health to be able to handle the stress of the business."

**2. Analyze Everything**  
When your energy level is low, it is important to analyze everything. This means looking at the big picture and seeing where you are. It means looking at the details and seeing where you are. It means looking at the big picture and seeing where you are.

**3. Build Relationships**  
One of the most important things you can do is to build relationships. This means building relationships with the people who are important to you. It means building relationships with the people who are important to you. It means building relationships with the people who are important to you.

**4. Stay on Top of Your Money**  
It is important to stay on top of your money. This means keeping track of your expenses and your income. It means keeping track of your expenses and your income. It means keeping track of your expenses and your income.

**5. Stay on Top of Your Health**  
It is important to stay on top of your health. This means exercising regularly and eating a healthy diet. It means exercising regularly and eating a healthy diet. It means exercising regularly and eating a healthy diet.

**6. Stay on Top of Your Education**  
It is important to stay on top of your education. This means taking courses and attending seminars. It means taking courses and attending seminars. It means taking courses and attending seminars.

**7. Stay on Top of Your Network**  
It is important to stay on top of your network. This means keeping in touch with the people who are important to you. It means keeping in touch with the people who are important to you. It means keeping in touch with the people who are important to you.

**8. Stay on Top of Your Reputation**  
It is important to stay on top of your reputation. This means being honest and ethical. It means being honest and ethical. It means being honest and ethical.

**9. Stay on Top of Your Time**  
It is important to stay on top of your time. This means being organized and efficient. It means being organized and efficient. It means being organized and efficient.

**10. Stay on Top of Your Future**  
It is important to stay on top of your future. This means having a vision and a plan. It means having a vision and a plan. It means having a vision and a plan.

**11. Stay on Top of Your Present**  
It is important to stay on top of your present. This means being in the moment and enjoying life. It means being in the moment and enjoying life. It means being in the moment and enjoying life.

**12. Stay on Top of Your Past**  
It is important to stay on top of your past. This means learning from your mistakes and growing from your experiences. It means learning from your mistakes and growing from your experiences. It means learning from your mistakes and growing from your experiences.

**13. Stay on Top of Your Dreams**  
It is important to stay on top of your dreams. This means believing in yourself and your dreams. It means believing in yourself and your dreams. It means believing in yourself and your dreams.

**14. Stay on Top of Your Goals**  
It is important to stay on top of your goals. This means setting goals and working towards them. It means setting goals and working towards them. It means setting goals and working towards them.

**15. Stay on Top of Your Values**  
It is important to stay on top of your values. This means knowing what you stand for and living by those values. It means knowing what you stand for and living by those values. It means knowing what you stand for and living by those values.

**16. Stay on Top of Your Principles**  
It is important to stay on top of your principles. This means standing up for what is right and doing what is just. It means standing up for what is right and doing what is just. It means standing up for what is right and doing what is just.

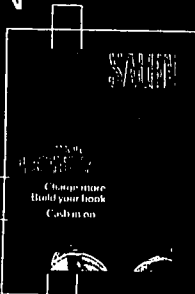
**17. Stay on Top of Your Integrity**  
It is important to stay on top of your integrity. This means being honest and ethical. It means being honest and ethical. It means being honest and ethical.

**18. Stay on Top of Your Character**  
It is important to stay on top of your character. This means being a good person and a good citizen. It means being a good person and a good citizen. It means being a good person and a good citizen.

**19. Stay on Top of Your Soul**  
It is important to stay on top of your soul. This means listening to your inner voice and following your heart. It means listening to your inner voice and following your heart. It means listening to your inner voice and following your heart.

**20. Stay on Top of Your Spirit**  
It is important to stay on top of your spirit. This means having a positive attitude and a strong belief in yourself. It means having a positive attitude and a strong belief in yourself. It means having a positive attitude and a strong belief in yourself.

## SALON



Modern interior design and architecture.

## BUSINESS

### A Survivor's Guide to Tough Times

Back, and today the money is not coming in. This is a tough time for many businesses. It is a tough time for many businesses. It is a tough time for many businesses.

**1. Stay on Top of Your Cash Flow**  
It is important to stay on top of your cash flow. This means keeping track of your income and your expenses. It means keeping track of your income and your expenses. It means keeping track of your income and your expenses.

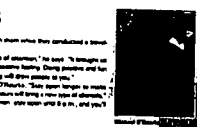
**2. Stay on Top of Your Inventory**  
It is important to stay on top of your inventory. This means knowing what you have and what you need. It means knowing what you have and what you need. It means knowing what you have and what you need.

**3. Stay on Top of Your Marketing**  
It is important to stay on top of your marketing. This means knowing who your customers are and how to reach them. It means knowing who your customers are and how to reach them. It means knowing who your customers are and how to reach them.

**4. Stay on Top of Your Sales**  
It is important to stay on top of your sales. This means knowing what you are selling and how to sell it. It means knowing what you are selling and how to sell it. It means knowing what you are selling and how to sell it.

**5. Stay on Top of Your Customer Service**  
It is important to stay on top of your customer service. This means knowing what your customers want and how to give it to them. It means knowing what your customers want and how to give it to them. It means knowing what your customers want and how to give it to them.

**6. Stay on Top of Your Reputation**  
It is important to stay on top of your reputation. This means being honest and ethical. It means being honest and ethical. It means being honest and ethical.



Modern interior design and architecture.

As seen in

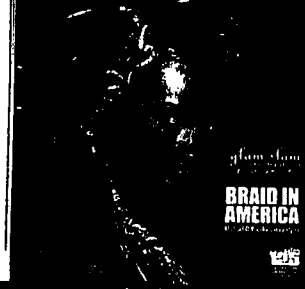
# AMERICAN SALON

## hippie chic



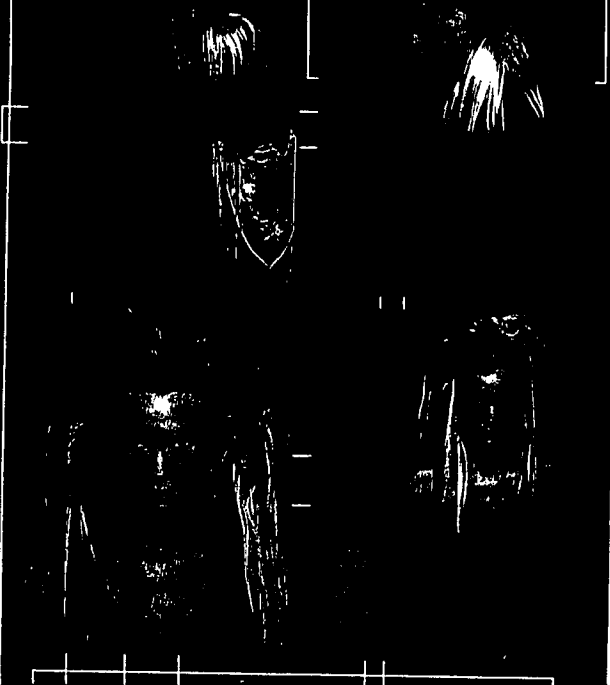
Some of the most interesting and influential of the 1960s and 1970s were the hippies. They were a group of people who rejected the mainstream and sought a more meaningful and authentic way of life. They were known for their long hair, beards, and love of music, particularly the Beatles and the Rolling Stones. They also embraced a lifestyle of peace, love, and non-violence. The hippie movement was a significant cultural shift that shaped the modern world.

## american salon



glam salon  
BRAID IN AMERICA

## love

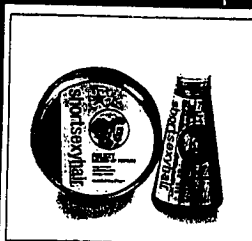


## BRAID IN AME

It's a story that's been told in many ways, but the truth is that the braid is a symbol of strength and resilience. It's a tradition that has been passed down for generations, and it's a part of our cultural heritage. The braid is a symbol of unity and community, and it's a reminder of the power of the human spirit. It's a symbol of love and hope, and it's a reminder of the beauty of the world we live in.



# CANADIAN HAIRDRESSER



More than 120 educators, artists and regional sales managers met in Los Angeles, California, for Sexy Hair Concepts' Artistic & Education Team training. Members of the three-day beauty boot camp learned the hottest styling and cutting techniques and about the business from Sexy Hair Concepts Founder and CEO, Michael O'Rourke.

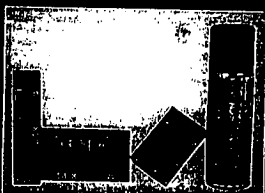
Be wild with Soxy Hair Concepts' new styling agents: Frenzy Bulk Up Texture, a thickening compound that adds texture with a modern flair and Shatter Separate & Hold, a spray that gives intense separation and shine. Write 321 on Reader Action Card.

# SALON NEWS

[illegible][illegible]

## Michael O'Rourke

## COLOR & STYLE



As seen in  
**MEN'S EXERCISE**

# ON THE GO

## NEW TRENDS IN PERSONAL PRODUCTS

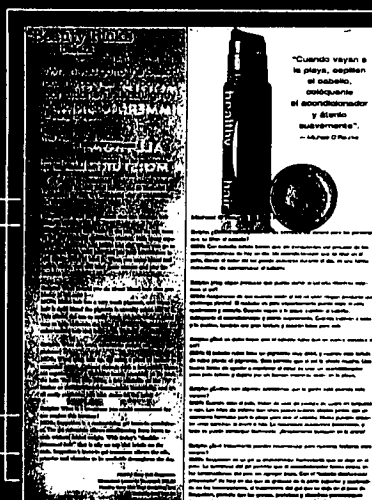
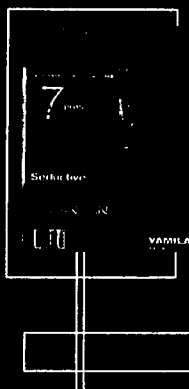
BY DONALD CHARLES RICHARDSON



## HOI HAIR

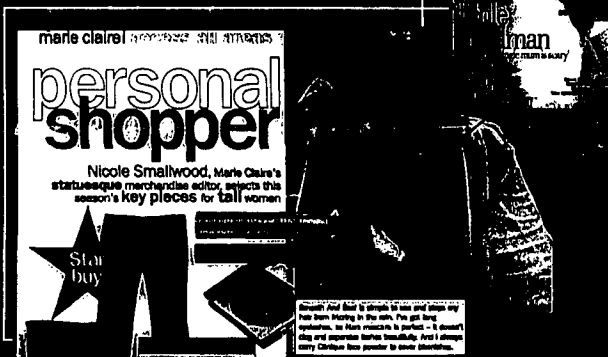
Looking to make your hair really sexy? Try out some of the new products from the Healthy Sexy Hair collection by Sexy Hair Cosmetics. Two drops of Sexy Fuel Power integrates any conditioner and gives your hair extra moisture and protein. Sexy Butter-A-Pine Shine is a non-greasy, ultra-shiny finishing product. There's also Sexy Salvation (a deep treatment mask), Sexy Want Flat Hair (a straightening product) and Sexy Want Full Hair (a hairgrip). The products sell from about \$12-20 and are available at salons, as well as from the company website: [www.sexyhaircosmetics.com](http://www.sexyhaircosmetics.com).

ESTYLO



AS SEEN IN

# MARIE CLAIRE



As seen in  
**BEAUTY LAUNCHPAD**

**ONLY HUE**  
What's taking off in color cosmetics

See Special eye shadow concepts  
from Sexy Hair Concepts

**open your eyes**

The eyes have it this season. Here's what you'll  
need to make the most of them.

pad

SPRING  
LAUNCH

**Beauty Class**



**SHORT HAIR**

o The rule: Have the hair shaved or tapered at the top for maximum  
exposure and volume (the hair needs to be just the way to  
lengthen the face). The shape should not be too angular or  
flat, says John Vito, studio hair-  
dresser at the Center in Montreal.  
o The right: Chunks and bangs  
mean by creating short hair with  
texture and holding sections of it  
with your fingers, separating the  
mass. For more defined curls, use  
your hands to create a soft and use  
a medium-sized curling iron at  
very low heat (under 100 degrees)—you  
don't want the curl too tight.  
Then shake with your fingers.  
o Style with a light-weight aerosol spray to finish. For  
greater volume, apply mousse into the roots of damp hair and dry  
it with your hand (upside down using a diffuser close to the hair,  
while separating your hair with your fingers. Hairdressing short  
hair with varying textures will also help to create depth.  
o The look: Center Paula Hyde Mousse-Volumizing, Center  
Paula Hyde Mousse-Care Cream, Big Bold Hair Spray and Play  
Volumizing Hairspray.

As seen in  
**FLARE**



As seen in  
**SUN-SENTINEL**

DESIGNERS-DIVAS-DIRT-DESIRE-LA DOLCE VITA  
by real stafford hargood

**next**

**That '80s showiness**

It was a big decade.  
Big hair. Big shoulder pads. Big  
hair. Big belts. Big earrings. Big hair.  
The '80s were big, baby.  
And they're back in a big way.  
Not only on the catwalks but also  
with beauty items (yes, lip gloss...  
AGAIN).

For example, Michael O'Rourke's  
Sexy Hair Concepts  
has come out with a  
hairspray, at left, that  
gives enough vol-  
ume, lift and control  
to support a Texas  
beehive. O'Rourke  
notes that his Sexy  
and Play Volumizing  
Hairspray is used by  
cast members of  
everyone Loves Ray-  
mond (it's got to be  
Doris Roberts, right?)  
and Will & Grace. A  
10.8-ounce can re-  
tells for \$13. For more information,  
call 800-648-3383.





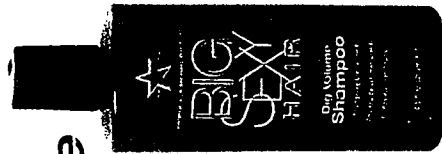


# big sexy hair

PROPERTY OF MICHAEL O'ROURKE

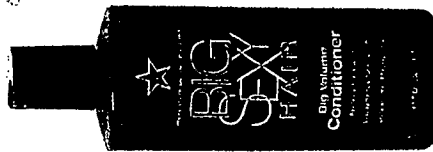
BIG SEXY HAIR is specifically designed to add, support and enhance maximum fullness and body to the hair while maintaining moisture and protecting hair color from fading.

## Big Volume Shampoo



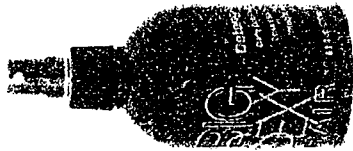
- ✦ Maintains moisture
- ✦ Adds fullness
- ✦ Helps protect color

## Big Volume Conditioner



- ✦ Provides weightless moisture
- ✦ Detangles hair
- ✦ Aids in preventing frizz

## Volumizing Detangler



- Detangles hair
- Helps prevent static electricity
- Provides weightless body

USE ON DAMP HAIR

## Big Time Blow Dry Gel



- Thickens and adds tremendous volume
- Delivers medium hold
- Supports hair from roots to end

USE ON DAMP HAIR AND BLOW DRY

## Root Pump Volumizing Spray Mousse



- Pumps up big volume in fine and medium hair
- Delivers medium hold
- Supports hair at the root

USE ON DAMP HAIR

## Root Pump Plus Humidity Resistant Volumizing Spray Mousse



- Maximizes volume and fullness in thick and heavy hair
- Delivers firm hold
- Protects hair against humidity

USE ON DAMP HAIR

## Dense Thickening Spray



The perfect, non aerosol spray that thickens and volumizes hair while maintaining hair's moisture

Leaves hair extremely soft and FREE of that sticky product feel

Delivers long lasting volume that's flexible and touchable

USE ON DAMP HAIR AND BLOW DRY

## Flip It Over Full and Wild Spray

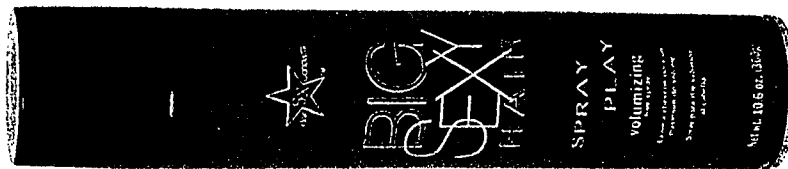


This is a one of a kind product that brings BIG styling to the next level

Specifically designed to give you extremely full and wild volume

Unique formula bonds to the hair for super fullness by thickening hair shaft

USE ON DRY HAIR. FLIP YOUR HEAD OVER, SPRAY INTO THE UNDERSIDE OF HAIR, SCRUNCH IT AND TOUSLE IT AND FLIP HEAD BACK OVER.



## Spray and Play Volumizing Hairspray

- ☆ Delivers firm, full, flexible hold
- ☆ Creates great shine
- ☆ Seals out humidity

USE ON DRY HAIR

## Spray & Play Harder Firm Volumizing Hairspray



Super fast drying and extra firm hold gives you more volume

Fights humidity and damaging UV rays

Extra Hydrolyzed Wheat Protein helps to moisturize hair

Delivers a super shiny finish

USE ON DRY HAIR

## Big Shine Shine Spray



Delivers the ULTIMATE shine to finish off any BIG style

Non-greasy, weightless shine spray won't flatten your BIG style

USE ON DRY HAIR



SH 0291

SHORT SEXY HAIR offers dual action products specially made for short hair to achieve the ultimate stylish look. The products can be combined together to create a unique and individual style.



## Blow It Up Gel Foam

- Gives hair weightless volume
- Supports roots and gives ends free-flowing movement
- Gives a medium hold that's never stiff or sticky

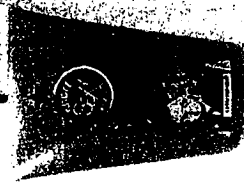
USE ON DAMP HAIR



## Hard Up Hard Holding Gel

- Gives extreme hold and control
- Dries fast and never flakes
- Produces dramatic spikes and slick backs

USE ON DAMP OR DRY HAIR



## Quick Change Shaping Balm

- ☆ Defines and separates hair
- ☆ Creates volume
- ☆ Produces changeable styles

USE ON DAMP OR DRY HAIR



## Slept In Texture Creme

- ☆ Adds lightweight texture
- ☆ Gives 2nd-day look
- ☆ Conditions hair while it styles

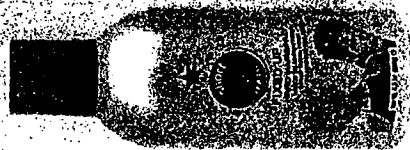
USE ON DAMP OR DRY HAIR



## Fixed Up Hard Hairspray

- Gives all-day, firm hold
- Provides great shine
- Dries fast and never flakes

USE ON DRY HAIR



## Shatter Separate and Hold

- ☆ Creates intense separation and direction
- ☆ Delivers dry texture that's never sticky
- ☆ Gives all-day hold

USE ON DAMP OR DRY HAIR



## Control Maniac Wax

- Provides ultimate control and definition
- Creates strong shapes
- Offers all-day, firm hold

USE ON DRY HAIR



## Frenzy Bulked Up Texture

- ☆ Gives dense texture and bulk
- ☆ Bonds to hair for fullness and volume
- ☆ Provides medium to firm hold

USE ON DRY HAIR



# straight

# h

PROPERTY OF

STRAIGHT SEX/HAIR is formulated to relax, temporarily straighten and protect hair from heat styling. These products also lock out humidity to keep hair straight, smooth and frizz free all day.

## Straight Shampoo

- Helps relax ends
- Adds shine
- Moisturizes hair



## Straight Conditioner

- Helps relax ends
- Adds shine
- Helps control frizz





## **Straight Aero**

FIRST-EVER Aerated Straightening Spray

- ☆ Straightens fine to medium curly hair
- ☆ Reduces frizz
- ☆ Protects hair from heat styling

USE ON DAMP HAIR AND BLOW DRY STRAIGHT



## **Smooth & Seal** *Aerated Anti-Frizz Spray*

- Smooths fine and medium hair
- Delivers great shine
- Seals out humidity

USE ON DRY HAIR



## **Shine On** *Polishing Glass*

- Smooths thick and heavy hair
- Delivers great shine
- Keeps out humidity

USE SMALL AMOUNT ON DRY HAIR



## **Power Straight** *Straightening Balm*

- ☆ Straightens thick and extremely curly hair
- ☆ Eliminates frizz
- ☆ Gives hair weightless feel

USE ON DAMP HAIR AND BLOW DRY STRAIGHT

# curly

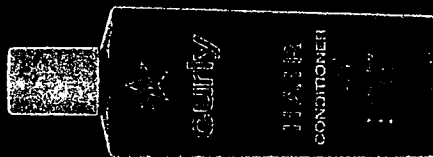
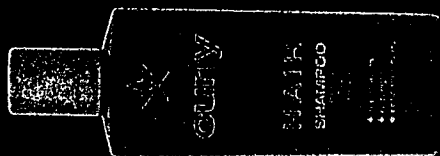
# hair

PROPERTY OF MICHAEL O'ROURKE

is specifically designed with innovative ingredients to create and support curls of all kinds.

## Curly Shampoo

- ★ Enhances curls
- ★ Moisturizes hair
- ★ Detangles hair



## Curly Conditioner

- ★ Controls frizz
- ★ Detangles hair
- ★ Adds shine

SH 0296

## ***Curl Power***

Maximizes and reactivates curls  
while scrunching and diffusing

Leaves hair soft

Helps control frizz

**USE ON DAMP OR DRY HAIR**



## ***Hot Curl***

Creates curls when used with curling  
tools (curling iron, hot rollers)

Produces soft, beautiful curls

Gives all-day hold that's never stiff

**USE ON DRY HAIR WITH CURLING TOOLS**





# healthysexyhair

PROPERTY OF MICHAEL O'ROURKE

HEALTHY SEXY HAIR is the first-ever haircare line based on Soy protein. Soy delivers ultimate strength and moisture to rebuild hair, restore its shiny, healthy appearance and keep it looking great. Also, all of the products, whether they're daily, treatment or styling, protect hair from environmental stress.

## SOYMILK SHAMPOO



- ☐ Nourishes and strengthens hair
- ☐ Promotes shine
- ☐ Helps protect color

GREAT FOR ALL HAIR TYPES

SH 0298

# SOYMILK MOISTURE SHAMPOO

healthys<sup>xy</sup>hair



SOY MILK  
MOISTURE  
SHAMPOO

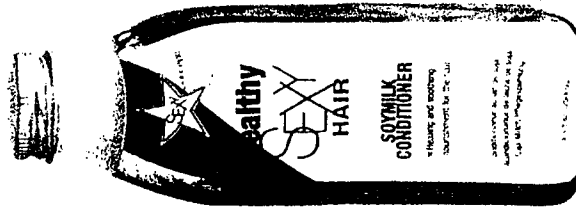
SHAMPOING HYDRATANT  
AU LAIT DE SOJA  
CHAMPNI HUMECTANT  
DE L'ECHE DE SOJA  
SOYMILK FECONDIGHEITSSCHAMP

1.25 LITERS (33.8 FL. OZ.)

- Drenches hair with extra moisture
- Cleanses and strengthens hair
- Creates a healthy shine

**GREAT FOR DRY & CHEMICALLY  
TREATED HAIR**

# SOYMILK CONDITIONER

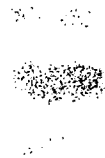


- ☆ Detangles hair and helps reduce frizz
- ☆ Adds weightless strength and moisture
- ☆ Provides shine, softness, frizz control and color protection

**GREAT FOR ALL HAIR TYPES**

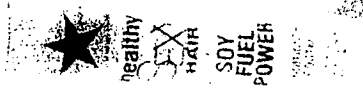
# SOYFUEL POWER

CONDITIONER BOOSTER



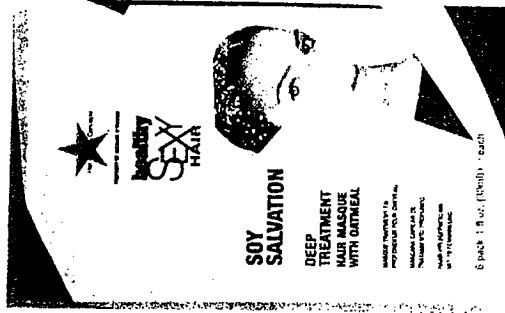
- ☆ Gives any conditioner a protein & moisture boost
- ☆ Provides shine, softness, frizz control and color protection

USE TWICE A WEEK. GREAT FOR DRY & CHEMICALLY TREATED HAIR.



# SOYSALVATION

DEEP TREATMENT HAIR MASQUE WITH OATMEAL



- ☆ Revives and repairs damaged hair
- ☆ Helps bring hair back to a healthy state
- ☆ Leaves hair soft, shiny and manageable

USE ONCE A WEEK. GREAT FOR DRY & CHEMICALLY TREATED HAIR.

SH 0300

# SOYTRI-WHEAT LEAVE IN CONDITIONER



- Detangles and softens hair
- Imparts light protein and moisture
- Helps prevent static electricity

USE ON DAMP HAIR BEFORE STYLING

# SOYPOTION

MIRACULOUS LEAVE-IN TREATMENT



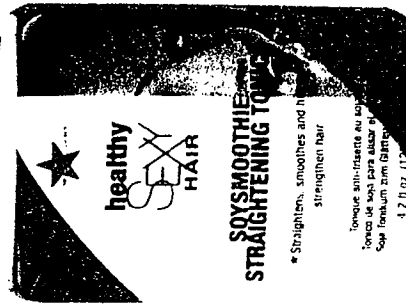
- ☆ Gives all-day repair for the hair
- ☆ Delivers intense moisture and strength without weight
- ☆ Produces soft, shiny, manageable hair

USE ON DAMP HAIR BEFORE STYLING

SH 0301

# SOYSMOOTHIE

STRAIGHTENING TONIC



- Temporarily straightens hair
- Smoothes frizz
- Strengthens and protects hair while styling

USE ON DAMP HAIR AND BLOW DRY

# SOYA WANT FLAT HAIR

FLAT IRON SPRAY



- ☆ Produces stick-straight looks
  - ☆ Protects hair from heat styling
  - ☆ Embeds protein while styling
- SPECIFICALLY DESIGNED TO BE USED WITH A FLAT IRON. SPRAY ON DRY HAIR AND FLAT IRON.

## SOYGELATINE

FIRM HOLDING GEL

## SOYPASTE

TEXTURE POMADE



- ☆ Gives firm, all-day hold
- ☆ Delivers moisture and protein while styling
- ☆ Never flakes

USE ON DAMP OR DRY HAIR



- ☆ Gives intense texture
- ☆ Separates, defines and details
- ☆ Conditions while it styles

USE ON DRY HAIR

SH 0303

# SOYBUTTER

PURE SHINE

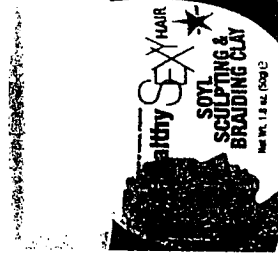


- Delivers intense shine
- Defines and details with a lightweight hold
- Conditions and adds moisture

USE ON DRY HAIR

# SOYL

SCULPTING AND BRAIDING CLAY



- Clumps hair to simplify braiding, twisting and sculpting
- Helps smooth out frizz
- Produces trendy, urban looks

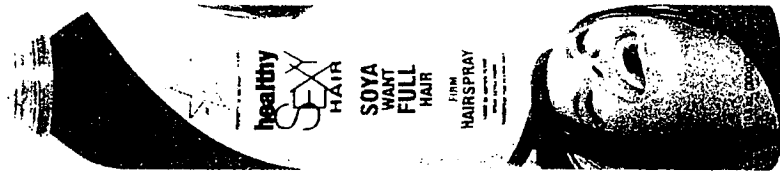
USE ON DRY HAIR

**SOYA  
WANT  
FULL  
HAIR**

**FIRM HOLD HAIRSPRAY**

- Delivers firm, all-day hold
- Volumizes and protects hair
- Seals out humidity

**USE ON DRY HAIR**



SH 0305



hot highlights

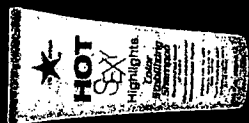
PROPERTY OF MICHAEL O'ROURKE

is devoted to keeping color-treated hair in top condition, refreshing and protecting color, and dressing it up for special occasions.

## Color Stabilizing shampoo

- ✧ Helps protect color from fading
- ✧ Adds moisture and shine
- ✧ Strengthens hair

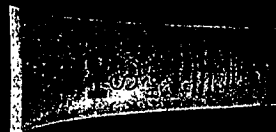
FOR ALL HAIR COLORS



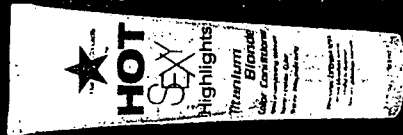
## Highlighting Shampoo

- ✧ Helps cancel brassy tones
- ✧ Adds moisture and shine
- ✧ Strengthens hair

FOR BLONDE HAIR



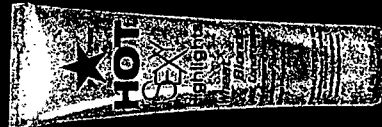
SH 0306



## Titanium Blonde Color Conditioner

- ☆ Amplifies highlights
- ☆ Pumps up the shine
- ☆ Softens hair

FOR PLATINUM AND WHITE BLONDE HAIR



## Wheat Blonde Color Conditioner

- ☆ Amplifies highlights
- ☆ Pumps up the shine
- ☆ Softens hair

FOR HONEY AND GOLDEN BLONDE HAIR

## Hot Sexy Highlights Color Conditioners



Black  
Cat



Red Hot  
Mama

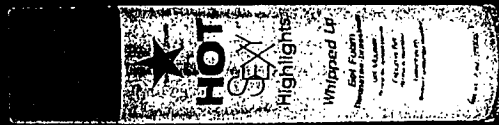


Foxy  
Brown

- ☆ Helps maintain highlights
- ☆ Pumps up the shine
- ☆ Softens hair

FOR RED, BROWN AND BLACK HAIR

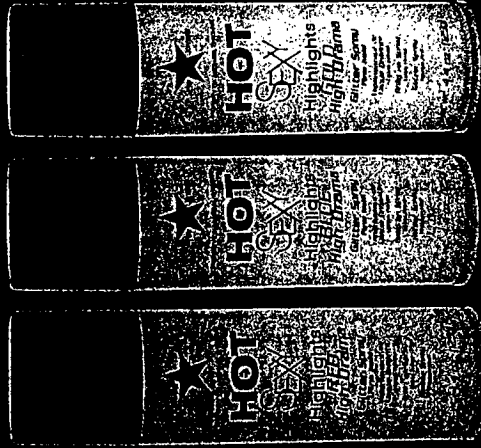
## **Whipped Up Gel Foam**



- ☆ Helps cancel brassy tones
- ☆ Gives hair weightless volume when blow dried
- ☆ Supports roots and gives ends free-flowing movement

**USE ON DAMP HAIR**

## **High Drama Glitter Spray**



- ☆ Gives a High Drama look of gold, red or blue glitter
- ☆ Holds hair all day

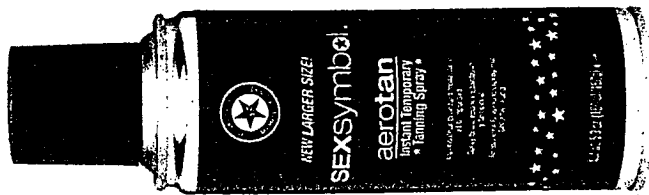
**USE ON DRY HAIR**

# SEXsymbol



**Sex Symbol** is a collection of cosmetic enhancers that changes 3 times per year. The Spring, Summer and Fall Collections transcend current fashion trends and color palettes to bring out the Sex Symbol in YOU. Please visit our website at [www.sexy/hair-concepts.com](http://www.sexy/hair-concepts.com) for information on our current collections.

**ALWAYS  
AVAILABLE!**



**AERO TAN** - A first-to-the-industry instant temporary tanning spray! This unique product provides an overall even tan without exposing yourself to harmful UV rays. Simply spray onto skin, rub in and a healthy, golden-bronze glow will appear without streaking or turning orange! Now you can look like you are vacationing all summer long! (does not contain sunscreen)

SH 0309



1-800-848-3383

Sold only in Salons

[www.sexyhairconcepts.com](http://www.sexyhairconcepts.com)

© 2002 Sexy Hair Concepts, Los Angeles, CA 91311



SHORT SEXY HAIR FRENZY  
BULKED UP TEXTURE COMPOUND

# shortsexyhair

PROPERTY OF MICHAEL O'ROURKE

- Dual action to give bulked up volume & intense texture.
- Frenzy bonds to the hair to thicken up the hair shaft to create fullness & separation at the same time.
- This unique compound helps create today's messy and wild hairstyles.
- Delivers extra holding power to hold styles in place with a medium matte finish.
- Apply a small amount to dry hair and style. For more intense texture: throw your head upside down and work product vigorously through hair, creating random bits and pieces. Then throw your head back over and place chunks where desired.

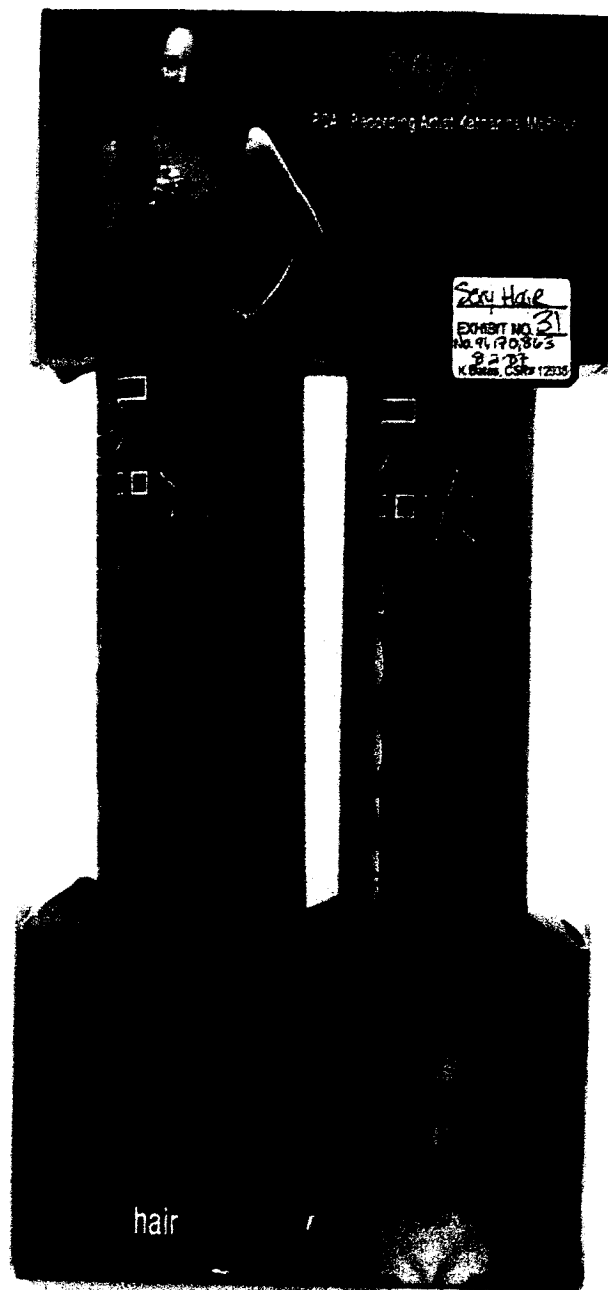


SHORT SEXY HAIR SHATTER  
SEPARATE & HOLD SPRAY

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RCA Recording Arts  
Katherine McPherson

hair

BEAUTY THAT PERFORMS

SOLO: Hair  
EXHIBIT NO. 28  
MAY 1994  
7-2-02  
K. McPherson





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Hair for fullness  
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at www.frenzy.com





1           IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
2           BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
3

4       SEXY HAIR CONCEPTS, LLC,                                 )  
  )  
5               Opposer,   )  
  ) Opposition  
6               vs.   ) No. 91,170,863  
  )  
7       PERFECT PLUS, INC.,   )  
  )  
8               Applicant.   )  
  )  
9       \_\_\_\_\_

10  
11  
12           DEPOSITION of JIM MORRISON, taken on  
13           behalf of Opposer, at 9232 Eton  
14           Avenue, Chatsworth, California 91311,  
15           beginning at 2:08 p.m., and ending at  
16           2:37 p.m. on Thursday, August 2, 2007,  
17           before KELLY M. BATES, Certified  
18           Shorthand Reporter No. 12935.  
19  
20  
21  
22  
23  
24  
25

1 APPEARANCES:

2  
3 For Opposer:

4  
5 BALLARD, SPAHR, ANDREWS & INGERSOLL, LLP  
6 BY: ROBERTA JACOBS-MEADWAY  
Attorney at Law  
7 1735 Market Street  
51st Floor  
8 Philadelphia, Pennsylvania 19103-7599  
(215) 864-8201  
9

10  
11  
12  
13 (No appearance by Applicant's counsel.)  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 second largest product line is Short Sexy Hair. Right  
2 after Short Sexy Hair comes Healthy Sexy Hair. And then  
3 between Curly Sexy Hair, Silky Sexy Hair, and Straight  
4 Sexy Hair, they're all within a half a million dollars  
5 of each other but all very good, healthy growing  
6 businesses.

7 Q Has there been any change in the channels of  
8 distribution since you became the president and chief  
9 executive officer of Sexy Hair Concepts?

10 A No, there has not. We are still a professional  
11 products company that sells our products through  
12 distributors. We do experience what we call diversion  
13 from time to time, which is where our products end up in  
14 retail. But really our business is pretty much the same  
15 as it's been since the company started.

16 Q With respect to the promotional media used by  
17 Sexy Hair Concepts, has there been any change in focus  
18 or direction in promotional activities since you became  
19 the president and chief executive officer of the  
20 company?

21 A Between 2005 and 2006 we increased our spending  
22 on marketing and advertising by a million dollars. And  
23 between 2006 and 2007 we increased that number by  
24 another half a million dollars. So between the period  
25 of the end of 2005 and 2007 we have literally increased

1 spending on advertising by almost a million and a half  
2 dollars.

3 Q Has there been any change in how the dollars  
4 are spent in terms of different aspects of advertising  
5 and promotion?

6 A Predominantly in 2006 we devoted our money and  
7 our resources to consumer print advertising that we feel  
8 we're very successful at and have continued that  
9 advertising through this point in 2007.

10 Q I'm going to show you a booklet that has been  
11 prepared. I'm going to ask if you can tell me what this  
12 contains.

13 A Okay. The booklet that you're handing me seems  
14 like it contains tear sheets of our consumer ads. The  
15 first one that I'm looking at is the ad that we are  
16 currently running in the July 2007 edition of Allure  
17 magazine.

18 And in that ad we feature Big Sexy Hair with  
19 Katharine McPhee and our product Spray & Play on one  
20 side. And the other side it actually features 3  
21 different Sexy Hair brands: Curly Sexy Hair, Big Sexy  
22 Hair, and Healthy Sexy Hair.

23 The next page is an ad that we ran in the June  
24 edition of Cosmopolitan magazine. This is an ad for  
25 Healthy Sexy Hair Soy Tri-Wheat Leave-in Conditioner,

1 and on the back we actually, again, promote several of  
2 the Sexy Hair brands: Healthy Sexy Hair, Big Sexy Hair,  
3 and Silky Sexy Hair. Do you want me to continue?

4 Q Please.

5 A Okay. We then come upon another ad which is  
6 running the July edition of Cosmopolitan magazine. This  
7 one features Big Sexy Hair. On the back you will see,  
8 again, the combination of several of the Sexy Hair  
9 brands: Curly Sexy Hair, Healthy Sexy Hair, and Big Sexy  
10 Hair.

11 Now, we move to the April 2007 Cosmo, and this  
12 particular ad shows 5 different products from the Strong  
13 Sexy Hair line. Next page over we're looking at another  
14 ad for Big Sexy Hair. This one features a can of Spray  
15 & Play.

16 On page 2 of that is, again, the combination of  
17 several different Sexy Hair brands: Big Sexy Hair,  
18 Straight Sexy Hair, Silky Sexy Hair, and Healthy Sexy  
19 Hair. And this ran in the February 2007 edition of  
20 Allure. And then we start to see just some beauty edit  
21 that we've received. Here is one little blurb about  
22 Katharine McPhee and her album.

23 Here is another one about, again, Katharine  
24 McPhee and her recommending both Silky Sexy Hair and Big  
25 Sexy Hair as 2 of her favorite products. Here is

1 another shot where they are showing the product Flip It  
2 Over from the brand Big Sexy Hair, and this one is a  
3 testimonial from a hairdresser about how they use this  
4 product.

5 And then we've got a shot from Lucky magazine  
6 showing Katharine McPhee. And in it it says, "She's got  
7 a great vocal range, but that's nothing compared to the  
8 range of hairstyles Katharine McPhee showed off for her  
9 new Sexy Hair ad campaign." Continue?

10 Q Please.

11 A Here we've got another blurb. This one is from  
12 Star magazine. This one shows Katharine McPhee and some  
13 tips on how she does her hair. This one says, "To hold  
14 'do: Strong Sexy Hair Strong Hold Hair Spray." And then  
15 Sleek 'n' Chic. "To smooth bangs: Strong Sexy Hair  
16 Plaster Strong Hold Shaping Balm." And these are just  
17 sort of examples of what Katharine McPhee uses in her  
18 hair.

19 Over here we are looking at Teen Vogue, and  
20 here in Teen Vogue we've got a shot -- well, there's 3  
21 different pictures of Katharine McPhee. In the top  
22 right-hand picture it says, "Celebrity stylist Michael  
23 O'Rourke captures Katharine's final look with Big Sexy  
24 Hair Spray & Play Volumizing Hair Spray." And then on  
25 the bottom it says the shot in the middle is a final

1 shot of Katharine for the Sexy Hair campaign.

2 Q And moving on.

3 A This is going to be a shot from Teen Vogue --  
4 the April edition of Teen Vogue. And in it is a little  
5 montage of 6 different Sexy Hair products from 5 -- no,  
6 it's 5 different -- no. I'm sorry. It's 6 because the  
7 Big Sexy Lip product is in there.

8 So there's 6 Sexy Hair products: Big Sexy Hair  
9 Spray & Play, Straight Sexy Hair Smooth & Seal, Big Sexy  
10 Hair Root Pump, Silky Sexy Hair Frizz Eliminator, Curly  
11 Sexy Hair 24/7 Curls. And there is one example of the  
12 Big Sexy Lips lipstick product.

13 Q Now, this is marked as an advertisement, so is  
14 this something that the company prepared?

15 A In this particular case, this is something that  
16 the actual creative department of Teen Vogue prepared  
17 that we paid for. It's an advertisement that's meant to  
18 look like an editorial. Moving on, we're actually over  
19 to a magazine called Hairstyle Guide.

20 And in this there's a little shot of Katharine  
21 McPhee, and in here it says, "Katharine's locks are so  
22 gorgeous, she was snapped up to be a spokesperson for  
23 Sexy Hair products."

24 Over on the right-hand page it says -- it talks  
25 a little bit about Katharine McPhee on American Idol,

1 and then it says, "We can't help but notice that  
2 Katharine McPhee is also gorgeous. Could that be why  
3 Sexy Hair chose her as their spokesperson?" Do you want  
4 me to continue on --

5 Q Please.

6 A -- over here with Beauty and Health?

7 Q Please.

8 A This is from Teen Vogue in May, and this  
9 particular one it's called "Katharine's Essentials." In  
10 other words, these are the products that she uses -- she  
11 claims that she uses. And obviously one of them is --  
12 it says, "Sexy Hair's Strong Hold Hair Spray from the  
13 Strong Sexy Hair line helps locks stay healthy."

14 Then we've got something from Modern Salon, and  
15 in this is a picture of Katharine McPhee with Michael  
16 O'Rourke and one of the executives of Sexy Hair. The  
17 headline says, "Katharine McPhee visits Sexy Hair,"  
18 obviously referring to Sexy Hair Company.

19 And then we've got another PR piece over from  
20 Launchpad magazine: "During a recent surprise visit from  
21 Sexy Hair spokesperson, Katharine McPhee, Sexy Hair  
22 presented the RCA recording artist with a 10,000-dollar  
23 check on the behalf of Sexy Hair and its press and  
24 distributor partners."

25 There's a quote that says, "It was really fun

1 to have her stop by and interact with everyone here at  
2 Sexy Hair. She's officially a part of the Sexy Hair  
3 family now."

4 Q Are these exhaustive or typical of the ads that  
5 have been run for Sexy Hair Concepts since you became  
6 president and chief executive officer?

7 A Absolutely normal. It illustrates exactly what  
8 we do on a monthly basis.

9 Q Is this all of the ads that have been run?

10 A There are dozens and dozens more pages and  
11 examples of what we've done.

12 MS. JACOBS-MEADWAY: I would ask the reporter  
13 to mark as exemplary of the ads run by Sexy Hair during  
14 Mr. Morrison's tenure as Sexy Deposition Exhibit 42.

15 (Sexy Testimony Deposition Exhibit 42  
16 was marked for identification by the  
17 court reporter.)

18 BY MS. JACOBS-MEADWAY:

19 Q Mr. Morrison, does Sexy Hair have a presence on  
20 television?

21 A Sexy Hair the company and Sexy Hair products do  
22 appear on television regularly.

23 Q In what context?

24 A Almost predominantly in either beauty,  
25 entertainment, or media-related stories or spots where

1 the products -- the Sexy Hair products or the Sexy Hair  
2 company are being featured.

3 Q Can you identify for me any of these television  
4 programs where you have seen the product in the last  
5 year and a half?

6 A In the last year and a half we have been on The  
7 Today Show with Matt Lauer where Matt Lauer was  
8 presented with a can of Big Sexy Hair Spray & Play. It  
9 was in honor of his, I want to say, 10-year anniversary  
10 as host.

11 We have had stories on Access Hollywood about  
12 Katharine McPhee becoming the spokesperson for Sexy  
13 Hair. We have had stories on Access Hollywood about  
14 Katharine McPhee's involvement with Sexy Hair the  
15 company. We have had stories on Entertainment Tonight  
16 about Katharine McPhee's involvement with the creation  
17 of the Strong Sexy Hair product line.

18 We have had stories on The Insider in  
19 connection with Katharine McPhee's becoming spokesperson  
20 for Sexy Hair the company. We have had stories on The  
21 View where Healthy Sexy Hair products were given to each  
22 of the audience members, and Katharine McPhee was  
23 introduced as the new spokesperson for Sexy Hair. And  
24 should I continue?

25 Q Please.

1           A       In terms of just product placement, Sexy Hair  
2 products have been seen on the HBO show Entourage. Sexy  
3 Hair products have been seen on the CBS show How I Met  
4 Your Mother. Big Sexy Hair products were seen on the  
5 show Ugly Betty.

6           Healthy Sexy Hair products were seen on the  
7 show Chicago on CBS. Our products have actually been  
8 seen with Katharine McPhee on the talk show Dr. Keith  
9 Ablow. And every week without fail Sexy Hair products  
10 are mentioned or actually featured or highlighted on  
11 local affiliates of networks like Fox, NBC, ABC, and  
12 CBS.

13          Q       I show you what appears to be a card of some  
14 sort and ask if you can identify this for me.

15          A       Yes.

16          Q       What is that?

17          A       This was a -- it was a card that went in the  
18 original intro for a brand that we launched called  
19 Strong Sexy Hair. It was a very similar photo to the  
20 photo that was used on the CD cover for Katharine  
21 McPhee's first full CD.

22                 The interesting story there was that Sexy Hair  
23 hired the photographer. The photo shoot was being done  
24 for the Strong Sexy Hair brand, and RCA Records made the  
25 decision that they wanted to use one of our photos from

1 our Strong Sexy Hair shoot as the CD cover for Katharine  
2 McPhee's CD.

3 And so by actually allowing them to use that  
4 shot we were able to use a very similar shot for all of  
5 the point of purchase packaging, collateral, and  
6 advertising for Strong Sexy Hair. The benefit to us,  
7 that CD sold over 250,000 copies. And so hopefully  
8 there was some subliminal connection between those  
9 250,000 copies of that CD and our brand new Strong Sexy  
10 Hair product line.

11 MS. JACOBS-MEADWAY: I'd ask the reporter to  
12 mark the card with Katharine McPhee as Sexy Testimony  
13 Deposition Exhibit No. 43.

14 (Sexy Testimony Deposition Exhibit 43  
15 was marked for identification by the  
16 court reporter.)

17 BY MS. JACOBS-MEADWAY:

18 Q Mr. Morrison, I show you a box and ask if you  
19 can identify that for me.

20 A Yes. That is -- we call this a shadow box, and  
21 it is a point of purchase piece of collateral that is  
22 either used in a salon in the retail area or in a  
23 distributor's store on a shelf that basically just  
24 highlights in this particular case Big Sexy Hair Spray &  
25 Play by Sexy Hair and features Katharine McPhee spraying

1 Hair products on, whether they were Big Sexy Hair, Curly  
2 Sexy Hair, Straight Sexy Hair, Short Sexy Hair, or Silky  
3 Sexy Hair.

4 And we would actually choose who had done the  
5 best looks almost in a makeover sense from, you know,  
6 before to after in these various categories that were  
7 linked in and parallel to these particular product  
8 brands and categories.

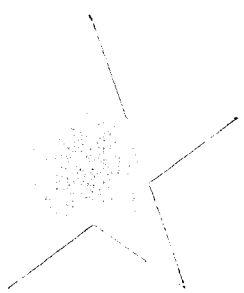
9 Q In connection with The Show Off program, was  
10 there any follow-up, or has there been any other effort  
11 to use the Internet to reach either professionals or  
12 consumers for Sexy Hair products?

13 A Our website [www.sexyhair.com](http://www.sexyhair.com) today is actually  
14 receiving over 85,000 hits per month. Just to kind of  
15 give you something to base the increase on, in the  
16 spring of 2006 that website was getting less than 10,000  
17 hits per month.

18 So the notoriety and the attention being paid  
19 to [sexyhair.com](http://sexyhair.com) has really increased dramatically. In  
20 every ad that we place we put a blurb in there about for  
21 more information about Strong Sexy Hair or Straight Sexy  
22 Hair or Big Sexy Hair log on to [www.sexyhair.com](http://www.sexyhair.com).

23 And obviously through the immense amount of  
24 impressions that are being made through consumer press  
25 and our consumer advertising 85,000 people are logging



 **SOXY hair®**

Sexy Hair  
EXHIBIT NO. 42  
No. 91,170,863  
8-2-07  
K. Bates, CSR# 12935

visit

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Katharine McPhee for

\*\*\*\*\*

INFORMATION

★  
Sexy Hair



# Celebrity Stylist Michael O'Rourke Shows YOU how to get this look:

Massage a generous amount of Big Sexy Hair Root Pump Volumizing Spray through damp hair at the crown. Apply Healthy Sexy Hair Dry Tri-Wheat Leave-In Conditioner at the roots to impart protein and moisture. Next, blow-dry using a large round brush.

Separate hair with fingers and spray Big Sexy Hair Spray & Play Volumizing Hairspray for a flexible hold. Finish off the look with Big Sexy Hair Big Shine Shine Spray to deliver weightless non-greasy shine.

Spray even amounts of Curly Sexy Hair 24/7 Instant Set-Curling Spray over sections of dry hair and curl with a large barrel curling iron. This heat-activated aerosol will provide long-lasting curls with beautiful shine.



Join  
the official Katharine McPhee Fan Club, at  
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# 2

THE BEAUTY EXPERT

JULY 2007

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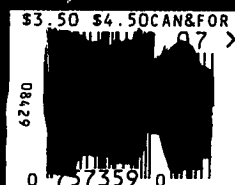
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RCA® Recording Artist  
Katharine McPhee for

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## Celebrity Stylist Michael O'Rourke Shows YOU how to get this look:

*Nourish hair with Healthy Sexy Hair  
Pumpkin Rehydrating Shampoo...*

Healthy Sexy Hair  
Pumpkin Rehydrating Shampoo

1 Spray Big Sexy Hair Root Pump Plus into hair at the roots. Next, work a little Big Sexy Hair Blow Dry Volumizing Gel into remaining hair and blow dry for ultimate volume.



3 Finish and set with Big Sexy Hair Spray and Play Volumizing Hairspray.



2 Emulsify a dime-sized amount of Silky Sexy Hair Frizz Eliminator into your hands to lightly shape and polish the hair.



Join

Flourge

the official Katharine McPhee Fan Club, at  
[www.katharinemcphee.com](http://www.katharinemcphee.com)

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RCA® Recording Artist Katharine McPhee for

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# 75 SEX TRICKS

Warning: These tricks are so hot, you may want to keep them secret.

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That Can Bring  
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**Fe  
Vo**

**Sexy**

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**How to Get a Man  
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'It's Not What You Think'**

29 US \$49 CANADA/FOREIGN

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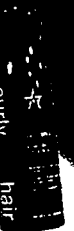
# Celebrity Stylist Michael O'Rourke Shows YOU how to get this look:

*Get the look of Katharine McPhee's hair with the help of Michael O'Rourke*

*Massage a generous amount of Big Sexy Hair Root Pump Volumizing Spray through damp hair at the roots. Apply Healthy Sexy Hair Dry Tri-Wheat Leave-In Conditioner at the roots to impart protein and moisture. Next, blow-dry using a large round brush.*



*Spray even amounts of Curly Sexy Hair 24/7 Instant Set Curling Spray over sections of dry hair and curl with a large barrel curling iron. This heat-activated aerosol will provide long-lasting curls with beautiful shine.*



*Separate hair with fingers and spray Big Sexy Hair Spray & Play Volumizing Hairspray for a flexible hold. Finish off the look with Big Sexy Hair Big Shine Shine Spray to deliver weightless non-greasy shine.*



Join  
the official Katharine McPhee Fan Club, at  
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Guys Pray  
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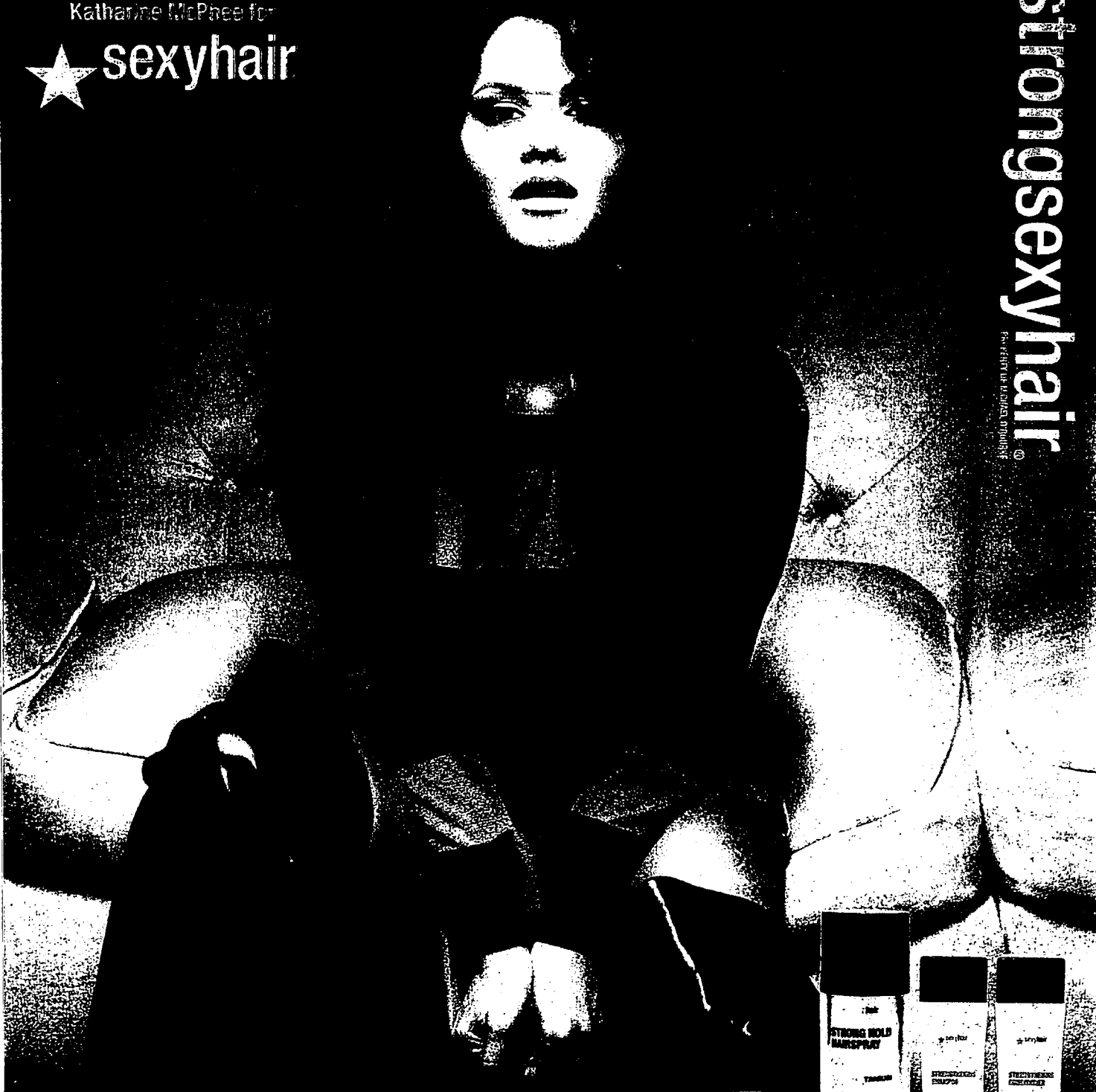


cosmopolitan.com

RCA Recording Artist  
Katharine McPhee for

★ **sexyhair**

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For every hair, every day



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# BEAUTY THAT LOOKS

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Celebrity Stylist Michael O'Rourke  
Shows YOU how to get these looks:



## For soft and flirty hair...

1. Start at the bottom, wrap hair around a **LARGE** spiral iron, creating large, loose curls all over.



2. Separate curls with fingers and apply a fine mist of Straight Sexy Hair Smooth & Seal Aclarated Anti-Frizz Spray throughout the ends to tame fly-aways and seal out humidity.



3. Style hair into desired shape and finish with **Big Sexy Hair Spray & Play Volumizing Hairspray**.



## For fun and touchable curls...



1. Comb **Healthy Sexy Hair Soy Tri-Wheat Leave In Conditioner** into damp hair to maintain hydration and moisture prior to applying heat. Blow-dry thoroughly.



3. Spray **Big Sexy Hair Big Shine-Shine Spray** onto fingers and separate curl for an added weightless shine. Finish the look with **Silky Sexy Hair Satin Medium Hold Soft Hairspray** for soft, touchable curls.



2. Start at the nape of the neck, and using narrow sections, curl hair with a **SMALL** spiral iron.



Visit [www.hair.com](http://www.hair.com)

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FEBRUARY 2011

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## Idol thoughts

"I love Melinda. She's our next Gladys Knight. I think LaKisha, Blake and Melinda will be the top three, and it might come down to a battle of the divas."

— Deborah Gibson



Exclusive!

## Paula's Idol chatter



**Hotness doesn't help**  
"I knew that Haley was going home. She's made some huge mistakes with her performances. I feel like she didn't go the extra mile. But at least she had the advantage of the guys thinking she was hot."

**\* Respect to J.Lo**  
"Jennifer Lopez was amazing as a guest mentor and performer. She comes from the Paula old school of performing: She works her ass off, and it shows. It's good to see somebody up there doing whatever it takes to make their performance stand out. It's exactly the way I would have done it. The kids weren't exactly in awe of her — it was more like respect."

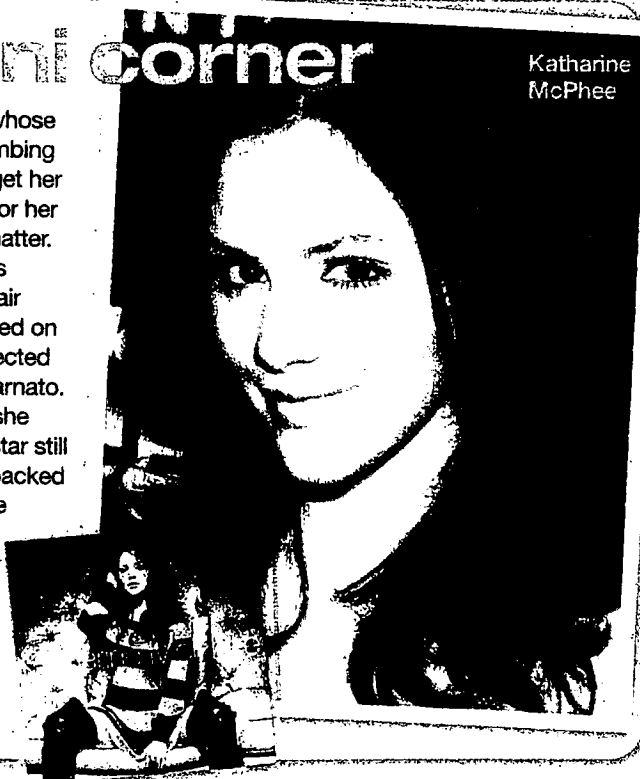
**\* Battle of the boys**  
"Blake was very good this week and has an edge over Chris, who's grown to be a great performer. I'd say that Phil is probably next to go home, because we all know that Sanjaya's time hasn't come yet."

Interview by Ryan Smith

## Alumni corner

Katharine McPhee, whose single "Over It" is climbing the charts, won't forget her *American Idol* roots, or her extensions for that matter. She told *OK!* she was flattered to see the hair extensions she sported on the show worn by ejected contestant Haley Scarnato. "It's a compliment," she tells *OK!*. The rising star still has time in her jam-packed schedule to catch the show, revealing that it's an unpredictable season. "I'm interested to see what happens," she says. "I enjoy watching."

Katharine McPhee



## WHO GOT VOTED OFF

Haley Scarnato, 24

Haley says she was hurt by accusations that she flashed her flesh to stay on the show. "It's frustrating, because I'm going out there to sing," she says. "They're just shorts. I didn't think they were that distracting. If I was here next week, I would wear a choir robe." There is one advantage to her ouster: She has time to pick out flowers. "I need to go plan my wedding," smiles Haley. "I pushed wedding plans aside and focused on *American Idol*." But she says she won't sing at her wedding to Bobby Krudwig (originally slated for November but now postponed because of the *Idol* tour). Before dealing with her wedding, though, Haley says she has one pressing task: "Eat Mexican food!"



## Idol Camp news flash

Idols of the future will get training from past contestants Bucky Covington (right) and Kimberley Locke at the first *American Idol* performing arts camp in Northfield, Mass., starting July 7.



# OK!

WEEKLY

ISSUE 15  
APRIL 2007

EXCLUSIVE  
INTERVIEW  
& PHOTOS

HARRY & BABY DANNIELYNN

Anna Nicole would be so happy for us!

# Together at last!

opens up about being a new dad, his secret  
engagement to Anna & Howard's lonely struggle

BRITNEY DOESN'T  
WANT HER KIDS



WHY PRINCE  
WILLIAM LEFT KATE



JEN & ANGE  
SECRET MEETING?



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## American idyll

Katharine McPhee shows her carefree spirit on our set.

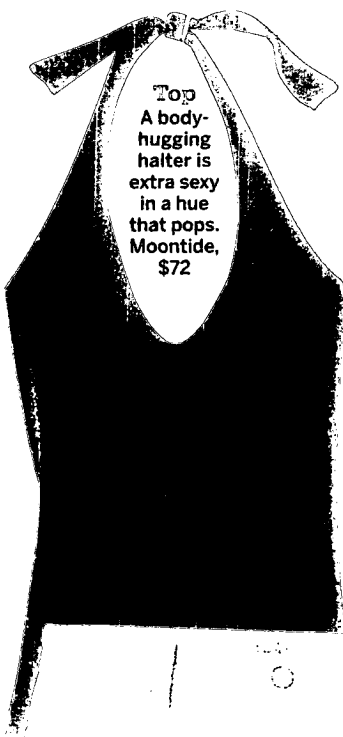
Katharine McPhee arrived at SELF's Cabo San Lucas shoot ready to work *and* play. She may have been the runner-up on *American Idol*, but this infectiously happy star is number one in our book. A few reasons why: She's comfy in her skin. McPhee drove up to her wardrobe fitting on a golf cart, confidently clad in only a bikini. The star noshed on chips and guacamole while trying on clothes for the shoot. (She loved the shorts.) She shares the love. McPhee's boyfriend and a friend joined her in Cabo, where the trio hung with the crew instead of keeping to themselves. Her pup, Nena, made the trek, too, and cuddled with the singer on set. She lets loose. Yes, the girl's got pipes, but wait until you see her dance! Barefoot on the beach, she shook her hips to songs by Rihanna and Shakira. —Amy Gallo

Cover photograph by Stewart Shining. Styling, Heather Pfaff; hair, Oscar Blandi for OscarBlandi.com; makeup, Ana Marie for the Wall Group; prop styling, Sonia Niki



Want exclusive video from our shoot with McPhee? Visit Self.com

Get Katharine's look!



**Top**  
A body-hugging halter is extra sexy in a hue that pops. Moontide, \$72




**Watch**  
Bolder is better on a sporty watch. Pedre, \$68

**Shorts**  
Crisp white is so fresh and versatile. You'll live in them all summer. 7 For All Mankind, \$165



**Win this makeup!**  
ShineSeduction Lipcolor in Candy Desire, Dream Mousse Blush in Peach Satin and Volum' Express Turbo Boost Mascara in Very Black, all by Maybelline. Click on Get SELF Stuff at Self.com



**Hair**   
Strands stay smooth and shiny with Satin Medium Hold Soft Hairspray, \$14, and Big Shine Shine Spray, \$12, both by Sexy Hair.



**LOSE EVERY EXTRA POUND!** p. 194

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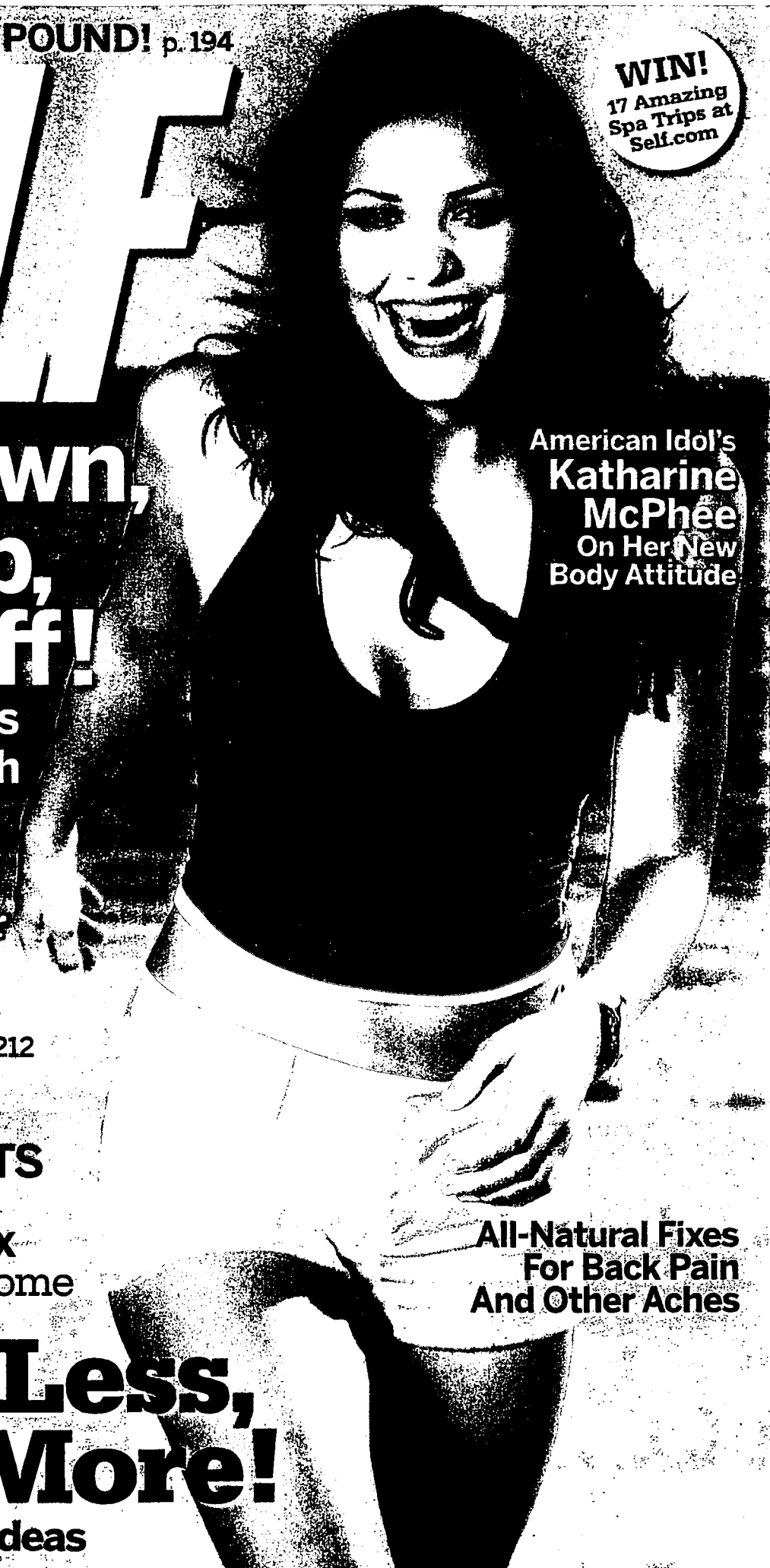
**Have Vacation Sex**  
Without Leaving Home

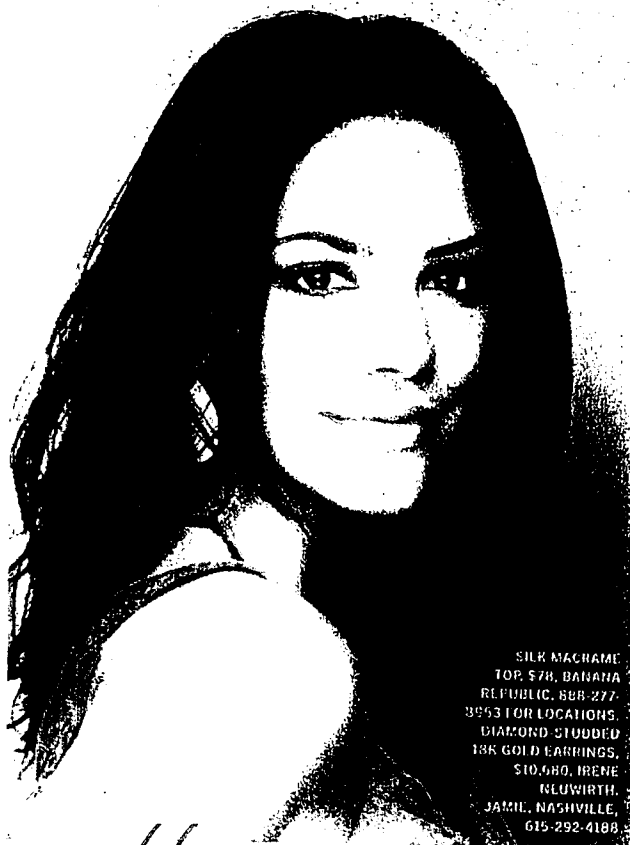
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American Idol's  
**Katharine  
McPhee**  
On Her New  
Body Attitude

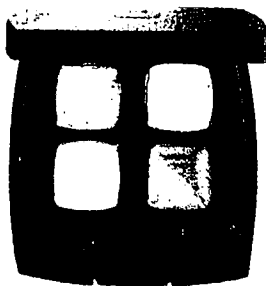
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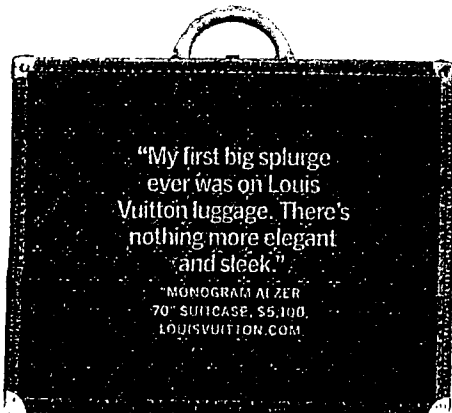
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615-292-4188

“With makeup, I tend to focus on my eyes. I like to fill in my brows with a pencil, then use lots of mascara and pretty, neutral-toned shadows—Chanel’s are just gorgeous.”



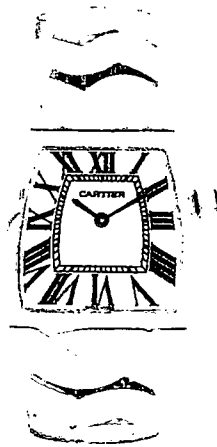
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EYESHADOW IN  
SHIMMERING  
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CHANEL.COM

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“One of my fans sent me the most amazing pair of leather flip-flops. They’re so comfortable—I’ve been wearing them with everything.”

LEATHER “ALEXANDRA” THONG  
FLATS, \$294, MELANIE DIZON, LULU’S,  
MANHATTAN BEACH, CA, 310-798-4577



“I’m obsessed with the Big Sexy Hair product Flip It Over. It’s hairspray, but with a putty consistency, and it gives my hair a cool, messy-curly look.”

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“David Yurman makes these chunky rings that I adore. I like how they add a little edge to girly outfits.”

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summer  
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they're all here!



Beauty

EXCLUSIVE!

Sure, she's got a great vocal range, but that's nothing compared to the range of hairstyles Katharine McPhee showed off for her new Sexy Hair ad campaign!

# Katharine's Big Sexy Shoot!

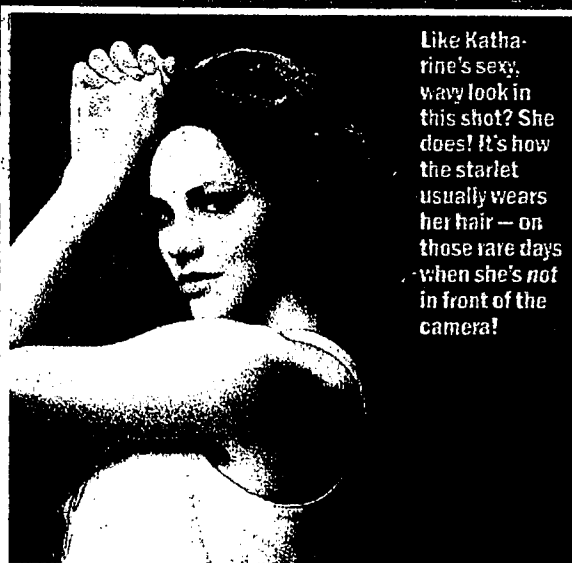
**“I had a blast at the shoot! The best part? All the different looks! I feel like I got to be different people!”**

**—Katharine McPhee**

Katharine's chihuahua, Nina, kept her company during the 12-hour shoot! Why so long? Hair stylist and Sexy Hair founder Michael O'Rourke (right) tried out nine different styles!

Just after Boyle,

PHOTOGRAPHED BY DENNIS FINN/ZUMA PRESS.



Like Katharine's sexy, wavy look in this shot? She does! It's how the starlet usually wears her hair — on those rare days when she's not in front of the camera!

## Tempting Tousles

Apply mousse to damp hair then blow-dry with a large, round brush.

Curl two-inch sections of hair using a large curling iron. Once curls cool, tip head upside down and spritz with a strong-hold hairspray.

To hold 'do: Strong Sexy Hair Strong Hold Hairspray, \$16.95, [sexyhair.com](http://sexyhair.com) for retailers



"From fun waves to blunt bangs, these looks show Katharine's versatility", says O'Rourke. "She's every stylist's dream."



## Sleek 'n' Chic



To smooth bangs: Strong Sexy Hair Plaster Strong Hold Shaping Balm, \$17.95, [sexyhair.com](http://sexyhair.com) for retailers

Smooth a straightening serum through dry hair, then flat-iron by section.

Once all hair is straight, mist with shine-enhancing spray to help ban frizz. To finish, apply a dab of styling balm along part and bangs to hold it in place.

# Star

Who gets the kid ★ Who gets the cash

## SECRET DEAL FOR ANNA'S BABY

It's NOT what you think...



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BABIES ON  
THE WAY!**

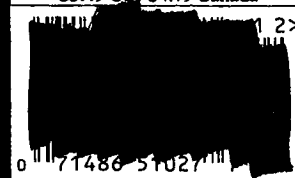


### WHY BRITNEY TRIED TO HANG HERSELF!

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# mane attraction

Katharine McPhee hits all the right notes as spokeswoman for Sexy Hair. Get the inside scoop on how her stylist created the looks seen here.



Celebrity Stylist, Michael O'Rourke captures Katharine's final look with **Big Sexy Hair Spray & Play Volumizing Hairspray** for movable, touchable curls.



Check out  
Katharine's  
self-titled  
debut album  
in stores  
now.

Above: A final shot of Katharine for the Sexy Hair campaign.

Left: Katharine and her chihuahua, Nina, are ready for their close up.

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**Sexy Hair** Below Left: Separate hair into small sections. Spray with **Curly Sexy Hair 24/7 Instant-Set Curling Spray**. Curl hair using a  $\frac{3}{4}$ " curling iron. Below Right: Use a dime-sized amount of **Silky Sexy Hair Frizz Eliminator** to pull apart curls. This loosens and detangles curls while adding shine. Pin up hair at the nape of the neck, letting loose hair on sides and front fall forward. Bottom: Go casual: Apply **Big Sexy Hair Root Pump Volumizing Spray Mousse** into damp hair at the crown, prior to blow-drying. Lightly spray with **Straight Sexy Hair Smooth & Seal Anti-Frizz Spray** before setting hot rollers for long-lasting shine. Loosen curls with fingers. then spray with **Big Sexy Hair Spray & Play Volumizing Hairspray**.



Right: Kat applies her favorite shade of **Big Sexy Lips** in *Love Letter*.

## sexy style

6.



1. Big Sexy Hair Spray & Play, \$14.95.
2. Straight Sexy Hair Smooth & Seal Anti-Frizz Spray, \$17.50.
3. Big Sexy Lips, \$17.50.
4. Big Sexy Hair Root Pump Volumizing Spray Mousse, \$14.95.
5. Silky Sexy Hair Frizz Eliminator, \$18.95.
6. Curly Sexy Hair 24/7 Instant-Set Curling Spray, \$18.75.



1.



2.



straight sexy hair

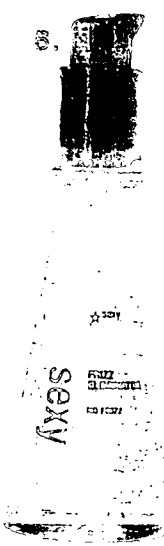


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big sexy lips

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BIG  
SPENDERS  
are you a  
shopaholic?



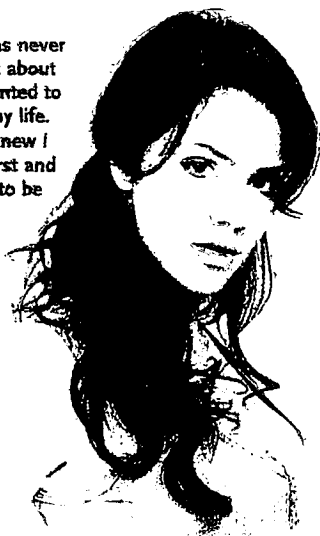
CHIC,  
ROMANTIC  
DRESSES

BOLD, BRIGHT BAGS,  
BANGLES, AND SHOES



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"There was never any doubt about what I wanted to do with my life. I always knew I wanted first and foremost to be a singer."



American Idol's

# Katharine McPhee

## talks beauty with *sophisticate's*!

With her debut album hitting the airwaves, *American Idol* runner-up Katharine McPhee is well on her way to the career she's always dreamed of. "I always knew I wanted first and foremost to be a singer." We can't help but notice that Katharine is also gorgeous—could be why *Sexy Hair* chose her as their spokesperson.

*Sophisticate's* got the inside beauty scoop from the star herself...

**Tell us how you're currently wearing your hair?**

For the *American Idol* tour, it was long and full, with soft curls; really soft and natural.

For the album, we wanted something hip and contemporary.

**Do you consider yourself a long-hair girl?**

I love short hair and long hair. I'll definitely go short at some point, but for right now I like the long hair.

**How do you keep your hair in shape with all the styling you must do?**

I'm really into *Sexy Hair* Pumpkin Leave-In Conditioner. It smells so good! With the tour, my hair had a lot of blow-drying and styling, and this conditioner really kept it moisturized and prevented it from breaking off.

**What styling secret have you learned?**

I learned how to use clip-in extensions. I like the fullness and length they give my hair and they're easy and fast to use. They're just great.

**Do you have a favorite styling product?**

I love *Curly Sexy Hair*. I don't have time to do my hair every day, so I spray that in and it seriously does the work for me.

**When do you feel your best as far as your hair?**

I definitely get excited when my hair looks good for some particular reason. I think when you get your hair done, you always feel more confident and more beautiful about the way you look. I wish I had a live-in hairstylist with me!

**How do you handle a bad-hair day?**

A bad-hair day? You can't blame the hair—



it's always your fault. Usually my bad-hair days are when I don't feel like taking a shower. My hair is greasy and ugly. I put it up in a bun and I look gross!

**IDOL SECRET** "I had no idea what I was going to sing," says Katharine about her first try-out with *American Idol*. "Five minutes before I was supposed to sing, my friend asked me which song I was going to perform and I said, 'I don't know.' Two minutes to go and he asked me again and I still didn't know!" She decided on Whitney Houston's "Run To You," and the rest is *Idol* history...



### her big sexy hair look

Katharine's locks are so gorgeous, she was snapped up to be a spokesperson for *Sexy Hair* products. Founder and stylist Michael O'Rourke reveals the backstage styling info...

"Katharine has great hair. It has a slight, natural bounce and it has a great texture. I can make it curly and it flat-irons beautifully."

For this curly look, O'Rourke reveals the styling steps... "I put *Curl Power* curl enhancer on her hair, then blow-dried. I added *24/7* curling spray and set it on hot rollers. I detailed the curls with a curling iron, then used a bit of *Spray & Play* hairspray."

**"KATHARINE COULDN'T WAIT TO SEE THE LOOKS WE CREATED FOR HER AT OUR PHOTO SHOOT."**

—MICHAEL O'ROURKE, *SEXY HAIR*



### \*making-up must-haves

Katharine puts forth a gorgeous face, so we had to get her beauty secrets...

"I always need to have blush and mascara; I think those are really important," shares the singer about two items in her beauty bag.

Think a big star relies on fancy products? Not Katharine! "I love just *ChapStick*," she confesses. "I like to keep my lips moisturized."

Katharine has very expressive eyes, which look gorgeous with eyeliner and her favorite mascara. Her other must-have? "An eyelash curler."



PHOTO: MICHAEL TRANFLUMAGIC.COM



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# SOPHISTICATE'S HAIRSTYLE GUIDE

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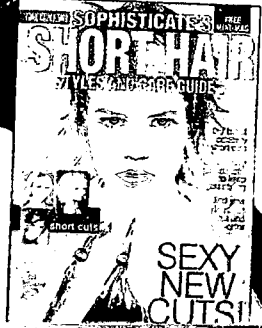
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EXCLUSIVE  
INTERVIEW  
**HANNAH  
MONTEITH**

# BEAUTY & HEALTH



**I'm finally comfortable with myself and my body**

THE WHITE SUEDE SHOES ADMITTEDLY WERE FREE TIME KATHARINE SEEN HERE AT A TAPING OF THE PREFERRED TO WEAR CHIC LIP GLOSS KEY BASICS

premieres ("I met Tom and Katie a few nights ago. They were so nice!") and other functions requisite for any up-and-coming starlet.

Of course, any of *American Idol*'s more than 30 million fans know that things haven't always been this easy for Katharine. Her seven-year struggle with bulimia culminated in a three-month rehabilitation program. "It just was something I needed to do. I was sick, but I was in denial," she recalls. "I'm finally comfortable with myself. Don't get me wrong—I'm still not always happy with what I see in the mirror. But I have a better awareness." Her diet, she says, is that of a typical girl: "I eat whatever I crave—I'm just really careful about portions. I eat until I'm full. But I can't resist a good caramel apple!"

Another indulgence for Katharine? Plenty of beauty products. "Good hair is a must," declares the singer, who fittingly serves as a spokesperson for mega-brand Sexy Hair. "Brows can seriously make or break your face. It's good to be a little obsessed with your skin. I'm really diligent about washing my face." Don't let her routine fool you, though—she's still a minimalist at heart: "Honestly, there are times when I wish I was back in high school," she says. "That may seem kind of weird, but what I really miss is the library. It was so quiet and peaceful there." —E.C.

## katharine's essentials

- 1 SEXY HAIR STRONG HOLD HAIRSPRAY "HELPS LOCKS STAY HEALTHY." \$17. TRADE SECRET.
- 2 "I'M OBSESSED WITH MY SKIN. I LOVE YON-KA PRODUCTS." YON-KA PARIS CREME 93. \$42. (800) 391-5333.
- 3 HANAE MORI MAGICAL MOON EAU DE TOILETTE IS FITTING FOR A POP STAR. \$65 FOR 1.7 OZ. SAKS FIFTH AVENUE.
- 4 "SEXY HAIR LIP PLUMPER COMES IN GREAT COLORS." SEXY HAIR BIG SEXY LIPS IN LOVE LETTER. \$17. TRADE SECRET.
- 5 GIORGIO ARMANI BEAUTY HYDRA GLOW FOUNDATION SPF 15 "IS PERFECT FOR GOING OUT." \$57. GIORGIOARMANIBEAUTY.COM.
- 6 MAYBELLINE NEW YORK LASH STYLIST IN VERY BLACK "IS BASIC BUT WORKS." \$8. TARGET.
- 7 ANASTASIA BEVERLY HILLS BROW FIX DOUBLES AS A LIP LINER. \$19. SEPHORA.
- 8 LOOK PHOTO-PERFECT WITH BERRY-STAINED LIPS. VICTORIA'S SECRET BEAUTY RUSH LIP GLOSS IN MY CHERRY AMOUR. \$7. VICTORIA'S SECRET.

Clockwise from left: HENRY LAMB/Photowire/BEImages; LUCAS VISSE (R)

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## KATHARINE MCPHEE VISITS SEXY HAIR

Katharine McPhee, RCA recording artist, former "American Idol" finalist and celebrity spokesperson for Sexy Hair Concepts, visited company headquarters to address the entire Sexy Hair team. She described her McPhee Outreach program, a non-profit effort to bring music to hospitalized children.

After socializing and signing autographs, McPhee left with a \$10,000 check to Outreach presented to her on behalf of Sexy Hair Concepts and its press and distributor partners.



Sexy Hair Concepts' Donna Federici and CEO and Founder Michael O'Rourke with the company's celebrity spokesperson Katharine McPhee.

## MODEL ENJOYS NIOXIN STYLE

Former supermodel and host of her own Oxygen Network reality show, Janice Dickinson was among the guests receiving a soothing hair and scalp treatment from Nioxin at the pre-Golden Globes gifting suite at a Beverly Hills Estate.



Teaming up with Silver Spoons Entertainment, Nioxin provided services and products to celebs, including Hayden Panettiere, Tori Spelling and Lindsay Lohan.

Janice Dickinson, star of "The Janice Dickinson Modeling Agency" on the Oxygen Network, receives star treatment at the Nioxin lounge.

## BAREX MINIS LAUNCHED AT OLOFF STUDIO

More than 60 members of the press and salon professionals met at the Oloff Studio in New York City for a breakfast celebrating the launch of Oloff Beauty's "Mini" Barex hair care products: six product essentials in travel sizes that meet the new FAA carry-on regulations.

"The introduction of our adorable Barex Minis was an excellent occasion for us to invite our friends in the media and local salon VIPs to our exciting new showroom to see the necessary components for beautiful hair—Barex products and professional stylists," said Guita Dovas, CEO of Oloff /Barex Italiana.



Valery Joseph, owner of Valery Joseph Salon, (left) and Juan Carlos Maciques, stylist at New York City's Rita Hazen Salon, congratulate Guita Dovas, CEO of Oloff Beauty, on the launch of the new mini collection of Barex products.

# modern salon

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# SOPHISTICATE'S HAIRSTYLE GUIDE

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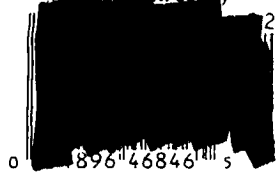
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Sexy Hair's Michael O'Rourke does his magic.

## katharine's sexy hair behind-the-scenes secrets!

Love the stunning looks Katharine is sporting on these pages and in her beyond-glamorous Sexy Hair ads? So does everyone at *Sophisticate's*! To get the inside info, we turned to Sexy Hair founder and stylist

extraordinaire Michael O'Rourke (that's him working on Katharine's glam locks), who gave us an exclusive backstage glimpse at the makings of a star...

□ For Kat's voluminous spirals, O'Rourke blow-dried the singer's mane before applying Curly Sexy Hair Curl Power, then set lengths on hot rollers, later defining each

ringlet with a curling iron. To maintain volume, the hair promisted with Big Sexy Hair Spray & Play.

□ Creating a silver-screen Veronica Lake-esque coil of face-framing waves for Katharine's Sexy Hair debut, O'Rourke used Healthy Sexy Hair Soy Tri Wheat Leave-In Conditioner, then applied Big Sexy Hair Root Pump for body and volume. A large-barrel spiral iron and a flat iron create the feminine curves, and Spray & Play holds the effect. Kat's take? "She couldn't wait! Every time we did her hair, she'd go to the monitor to see what

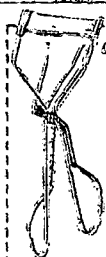
she looked like."

□ O'Rourke's tips for sexy hair?

"Make sure it's healthy. Choose a complementary color. Get a great haircut. Don't be scared of change—change to something that might be beautiful."

"My favorite  
sexy hair  
products."

straight sexy hair



### "my 5 top beauty essentials"

1 Blush

2 Mascara

3 Sexy Hair Pumpkin  
Leave-In Conditioner

4 Chapstick

5 Eyelash curler—the best  
one in the world!



### the *idol* experience and looking ahead

While she's weathered rather splashy rumors, Kat emerges on top with an album (and who knows what else!) to her credit. Who could forget her rendition of "Somewhere Over The Rainbow"? Kat shares her *Idol* thoughts.

□ "I didn't really keep my mind on how far I would make it on *American Idol*. You have to have confidence to make it anywhere but I didn't ever think I would make it where I did!"

□ "*American Idol* in one word: Stressful!"

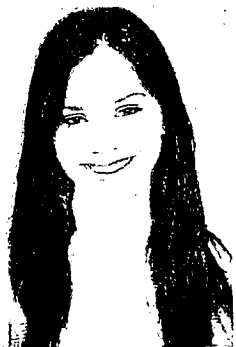
□ "There's a downside to everything. When you're in the spotlight, people have the right to say anything about you."

□ "I'm absolutely still pursuing acting. I'm constantly looking at scripts and keeping my mind open to different parts."



# Katharine mcphee

beauty confessions of one hot star



Kat's original *Idol* pic

Katharine McPhee has a new album in the works, just finished the *American Idol Live!* tour and is Sexy Hair's first celebrity spokeswoman. *Sophisticate's* turned to Katharine for her personal style and dreams...

The *American Idol* class of 2006!



Sexy Hair celeb spokesperson



\* *Style It!*  
straightsexhair

To create Katharine's glam look (below), Sexy Hair founder Michael O'Rourke teased strands into a "beehive"-like shape. Flat bangs are separated from the updo with a sleek headband—hair is smoothed with Straight Sexy Hair Smooth & Seal.



"Hair creates a mood. When you get your hair done, you feel more confident about the way you look."



## looking fabulous

Although low-key, Katharine's breezy beauty routine keeps her looking fresh and fabulous for the spotlight...

Q "When I'm on the *American Idol* tour bus for seven hours, I don't really have time to work out! I eat a lot of quick and easy foods."

Q "I kept all the clothes on *American Idol*. I really liked the yellow dress."

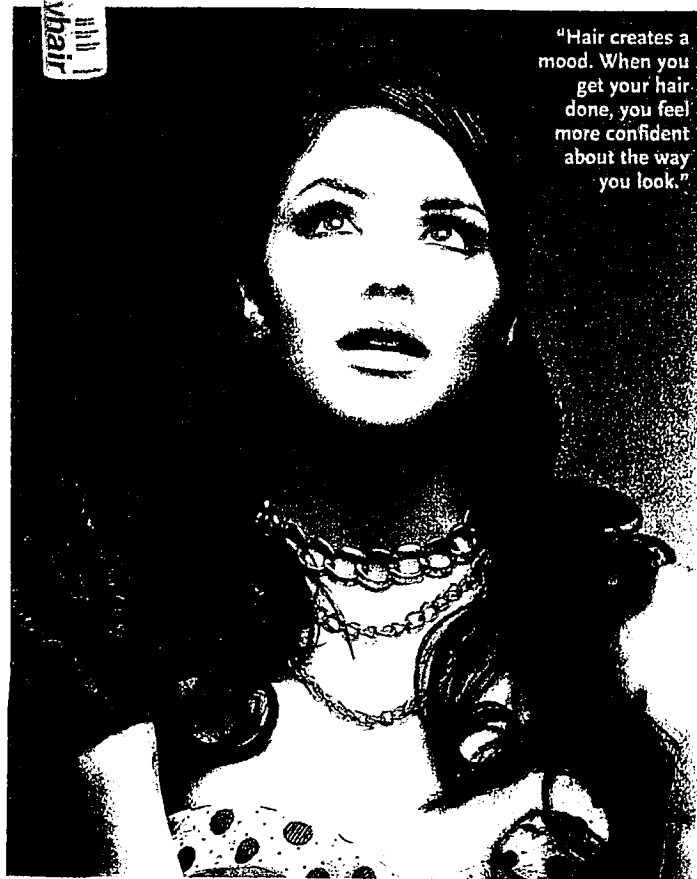
Q "My hair is full with soft curls. It's really soft and natural. I'll definitely go short at one point, but for right now, I like the long hair."

Q "Bad hair days? Usually when I don't feel like taking a shower. It's greasy and up in a bun. I look gross!"



"I'd love to sing a duet with John Legend."

more>>

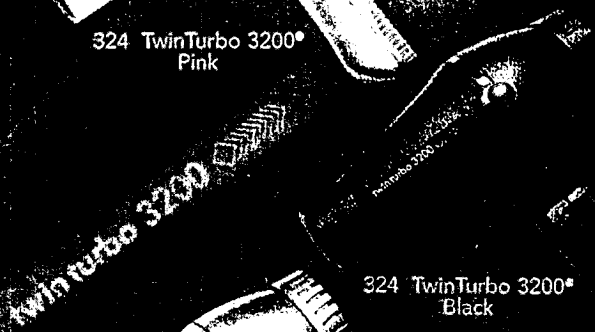


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## Where It's Kat

During a recent surprise visit from Sexy Hair spokesperson Katharine McPhee, Sexy Hair presented the RCA recording artist with a \$10,000 check on behalf of Sexy Hair and its press and distributor partners. The check will go to McPhee Outreach and Katharine's non-profit music program, which works in conjunction with Lollipop Theater to bring the healing power of music to hospitalized children nationwide.

Says marketing manager Andrea Espinoza of meeting McPhee, "It was really fun to have her stop by and interact with everyone here at Sexy Hair. She's officially a part of the Sexy family now! Everyone was beaming after she left!"



Singing sensation and Sexy Hair Spokesperson Katharine McPhee (center) with Senior Vice President of Marketing Donna Federici and Founder Michael O'Rourke

## Embracing the Music

The Bay Area seriously rocked recently—and not from an earthquake. Rather, diPietro Todd Salon hosted its third annual fashion show of hair and artistic vision, Copyright. Over 500 guests attended the affair at San Francisco's Mezzanine, which was sponsored by L'Oréal Professionnel and Westcoast Beauty Systems. The show raised money for Hunter's Point, a community-based organization that provides holistic educational, social and enrichment programs to youth and their families living in the Bayview Hunter's Point community of San Francisco.

Inspired by pop culture icons as well as musical genres, which ran the gamut from Motown to Country to Goth, Copyright saw the hottest cutting, coloring and styling techniques. "Copyright allowed us to bring together our eclectic staff and pull inspiration from their pasts with a futuristic approach," says diPietro Todd Salon owner, Andrew Todd.



The Mod look on the runway at the diPietro Todd Salon

...SUDZZ FX names David Hulhollen Jr. new VP of sales...

What's Taking Off in the World of Beauty

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# salon

POUR LES PROFESSIONNELS DE LA BEAUTÉ

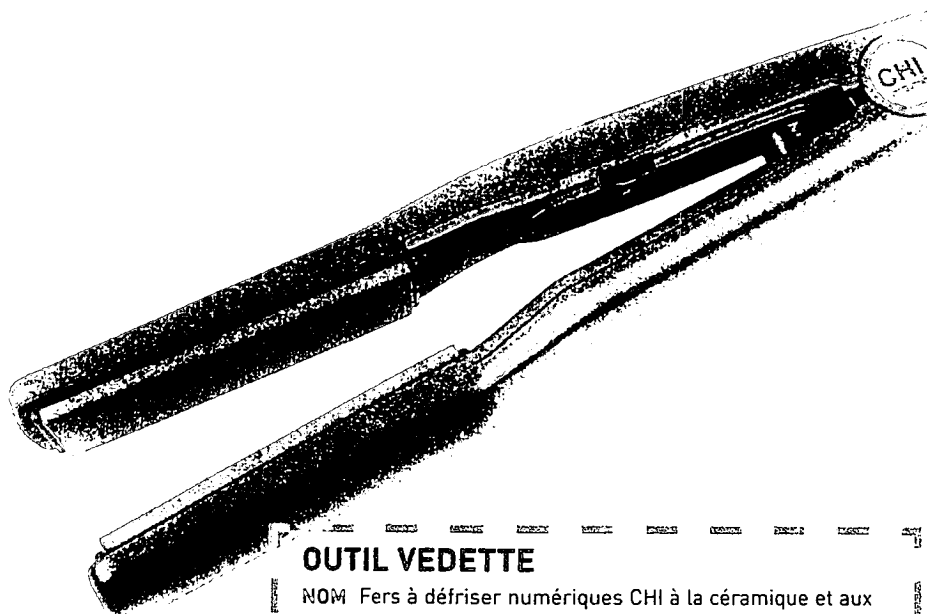
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## Amusons-nous

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## Un partenariat... attrayant



La première vedette porte-parole de Sexy Hair, Katharine McPhee, finaliste de l'émission *American Idol*, a lancé son album éponyme en février, déclenchant une avalanche d'articles et de séances de photo. Absolument ravissante, Mme McPhee arborait, lors des entrevues et de la séance de photo pour la couverture de l'album, une magnifique chevelure brune qu'elle a confiée à Michael O'Rourke, coiffeur et fondateur de Sexy Hair.

Selon son contrat de deux ans de Mme McPhee avec l'entreprise, elle figure dans toutes les annonces et tout le matériel promotionnel. « Mme McPhee est jeune, sûre d'elle et superbe, affirme M. O'Rourke. Elle incarne l'image Sexy Hair et sera bien plus qu'un mannequin. Nous collaborerons étroitement avec elle pour créer des produits pour la gamme; entre autres, nous obtiendrons son opinion sur les parfums, l'emballage et la conception. » —TC



Dans cette photo publiée dans le magazine *Allure*, la chevelure de Mme McPhee a été traitée avec le revitalisant sans rinçage Healthy Sexy Hair Soy Tri-Wheat pour rester hydratée. M. O'Rourke a vaporisé du fixatif Big Sexy Hair Big Shine sur ses doigts avant de séparer les boucles, les définir et ajouter un lustre. Il a mis la touche finale avec le fixatif léger à tenue moyenne Silky Sexy Hair Satin.



By: Mary A. Berentzen  
DATE: July 17, 2007

BOX TTAB - NO FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEXY HAIR CONCEPTS LLC,

Opposer,

v.

PERFECT PLUS, INC.

Applicant.

Opposition No. 91170863

NOTICE OF RELIANCE

Honorable Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Commissioner:

Commissioner:

Pursuant to T.B.M.P. §704.03(a) and 37 C.F.R. §2.122(d)(2), Opposer hereby gives notice that it intends to rely on the following evidence.

1. A Certified copy of the Certificate of Registration, with title and status, for the following U.S. Trademark Registration No.:

<u>Mark</u>	<u>Registration No.</u>
SEXY HAIR	2,403,396

Respectfully submitted,

Dated: July 17, 2007

By: Roberta Jacobs-Meadway  
Roberta Jacobs-Meadway  
BALLARD SPAHR ANDREWS & INGERSOLL, LLP  
1735 Market Street - 51<sup>st</sup> Floor  
Philadelphia, PA 19103  
(215) 665-8500

ATTORNEYS FOR OPPOSER

DMEAST #9834997 v1

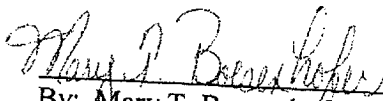
Attorney Docket 046929

CERTIFICATE OF SERVICE

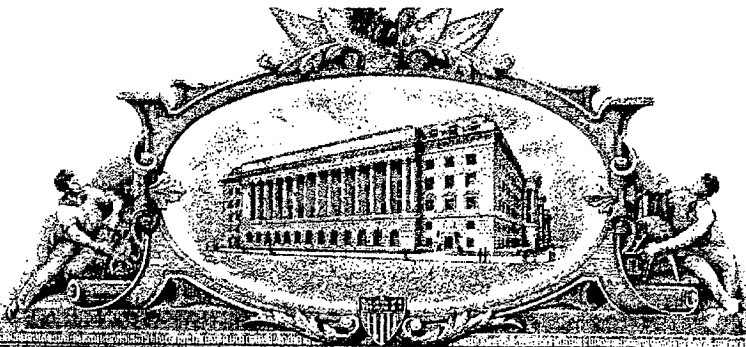
I hereby certify that the foregoing Opposer's Notice of Reliance was served today on the following by electronic mail and first class mail, postage prepaid:

Richard H. Zaitlen, Esquire  
Pillsbury Winthrop Shaw Pittman LLP  
725 South Figueroa Street  
Suite 2800  
Los Angeles, CA 90017  
rzaitlen@pillsburywinthrop.com

Date: July 17, 2007

  
By: Mary T. Boesenhofer

7073698



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**June 21, 2007**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,403,396 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *November 14, 2000*  
SECTION 8 & 15**

**SAID RECORDS SHOW TITLE TO BE IN:**

***SEXY HAIR CONCEPTS, LLC***

***A CALIFORNIA LIMITED LIABILITY COMPANY***

**By Authority of the**

**Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

**M. TARVER**

**Certifying Officer**



**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52**

**United States Patent and Trademark Office**

**Reg. No. 2,403,396**

**Registered Nov. 14, 2000**

**TRADEMARK  
PRINCIPAL REGISTER**

**SEXY HAIR**

**ECOLY INTERNATIONAL, INC. (CALIFORNIA CORPORATION)  
9232 ETON AVENUE  
CHATSWORTH, CA 91311**

**FOR: HAIR CARE PRODUCTS FOR MEN, WOMEN AND CHILDREN, NAMELY HAIR SHAMPOOS, HAIR CONDITIONERS, HAIR LOTIONS, HAIR CREMES, HAIR GELS, HAIR SPRAYS, HAIR COLOR, HAIR DYES, HAIR RINSES, HAIR MOUSSE, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).**

**FIRST USE 6-15-1998; IN COMMERCE 12-21-1998.**


**NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAIR", APART FROM THE MARK AS SHOWN.**

**SER. NO. 75-634,213, FILED 2-5-1999.**

**LYNN A. LUTHEY, EXAMINING ATTORNEY**



UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----:   
SEXY HAIR CONCEPTS, LLC, :  
Opposer, :  
vs. : OPPOSITION NO.  
PERFECT PLUS, INC. : 911-70-863  
Applicant. :  
-----:

Philadelphia, PA  
Tuesday, August 7, 2007

Deposition of:

JOHN F. METZGER

called for oral examination by counsel for the  
Plaintiff, pursuant to notice, at BALLARD,  
SPAHR, ANDREWS & INGERSOLL, LLP, 1735 Market  
Street, 51st Floor, Philadelphia, Pennsylvania  
19103, before M. Kathleen Muino of Bell  
Reporting, a Notary Public in and for the  
Commonwealth of Pennsylvania, beginning at  
10:19 a.m., when present of behalf of the  
respective parties were:

1 A P P E A R A N C E S

2 - - -

3

4

5 On behalf of Plaintiff:

6

7 BALLARD, SPAHR, ANDREWS & INGERSOLL, LLP

8 BY: TROY E. LARSON, ESQUIRE

9 BALLARD, SPAHR, ANDREWS & INGERSOLL, LLP

10 1735 Market Street

11 51st Floor

12 Philadelphia, Pennsylvania 19103

13 Phone: (215) 864-8263

14 larsont@ballardspahr.com

15

16

17

18

19

20

21

22

23

24

25

1 Q. And were you able to purchase any of the  
2 Nick Chavez products?

3 A. I was, yes.

4 Q. Where did you purchase the Nick Chavez  
5 products?

6 A. I purchased them from eBay Express,  
7 through the Internet.

8 MR. LARSON: I'll ask the court  
9 reporter to please mark, as Metzger Exhibit  
10 17, what appears to be an eBay Express Website  
11 printout.

12 - - -

13 (Whereupon, Exhibit Metzger-17  
14 was marked for Identification.)

15 - - -

16 BY MR. LARSON:

17 Q. Mr. Metzger, in shopping for the Nick  
18 Chavez products, what exactly did you search?

19 A. What I did was I went on the Internet  
through Google, and I put in "Nick Chavez sexy  
and sassy" to find the Chavez products and  
where they could be located.

I noticed that they are available on  
QVC; that they're also available through eBay  
and eBay Express.

1 Q. And the Website printout that's been  
2 marked as Metzger Exhibit 17, what is this?

3 A. This shows the description of the  
4 products as they're offered on eBay Express.  
5 My understanding is that eBay Express is a  
6 quick way to get products without having to go  
7 through the auction routine. eBay is known as  
8 an auction site; however, they do have a  
9 section where you can purchase products that  
10 are being sold by individuals throughout the  
11 country, when they log in there, and eBay  
12 Express allows you to purchase a product at  
13 the price point that's advertised and not have  
14 to worry about going through the auction  
15 process.

16 Q. What specific product here were you able  
17 to purchase on eBay Express?

18 A. Well, I took a look at a few of them.  
19 This one here shows the Sexy 'n Sassy  
Volumizing and Thickening Shampoo.

20 It also shows, on the third page in,  
21 some other products: the Sexy 'n Sassy  
22 Conditioner Shampoo Duo, the volumizing  
23 shampoo and conditioner, the extra hold  
24 hairspray, and the scrunch spray.

1           So of these, I just purchased one or two  
2 sample products. I believe I purchased the  
3 scrunch spray and the volumizing and  
4 thickening conditioner.

5 Q.       Did you place an order for the Nick  
6 Chavez Sexy 'n Sassy Shampoo, 16 ounce  
7 product?

8 A.       Yes, I did.

9 Q.       Was the order shipped?

10 A.       Yes, it was.

11 Q.       Did you receive the order?

12 A.       Yes, I did.

13                       MR. LARSON: I'll ask the court  
14 reporter to please mark, as Metzger Exhibit  
15 18, the Nick Chavez Sexy 'n Sassy Volumizing  
16 and Thickening Conditioner; and I'll also ask  
17 that the court reporter mark, as Metzger  
18 Exhibit 18A, the representative photographs of  
19 the product which has been marked as Metzger  
20 Exhibit 18.

21                       - - -

22                       (Whereupon, Exhibits Metzger-18  
23 and Metzger-18A were marked for  
24 Identification.)

                      - - -

1 BY MR. LARSON:

2 Q. Mr. Metzger, could you please identify  
3 and describe for me Metzger Exhibit 18?

4 A. Sure. This is a copy of Nick Chavez'  
5 Beverly Hills Sexy 'n Sassy product. It is  
6 the volumizing and thickening conditioner  
7 product. It comes in a grey bottle. The  
8 words "sexy" and "sassy" are in a pink or  
9 reddish color. You can also see that part of  
10 the description of the product on the front of  
11 the panel says: For Sexy Volume & Sassy Body.

12 On the back you have the ingredients,  
13 and then at the bottom, it shows that it's  
14 distributed by Perfect Plus out of Beverly  
15 Hills. And this is one of the products that I  
16 got through eBay.

17 Q. Metzger Exhibit 18A, is that an accurate  
18 representation of photographs of what's been  
19 marked as Metzger Exhibit 18?

20 A. Yes, it is.

21 Q. And you had testified that you had  
22 purchased this particular product on eBay  
23 Express; is that correct?

24 A. That's correct.

MR. LARSON: I'll ask the court

1 reporter to please mark, as Metzger Exhibit  
2 19, what appears to be the PayPal receipt.

3 - - -

4 (Whereupon, Exhibit Metzger-19  
5 was marked for Identification.)

6 - - -

7 BY MR. LARSON:

8 Q. Mr. Metzger, could you please identify  
9 and describe for me what Metzger Exhibit 19  
10 is?

11 A. Yes. This is the printout I received  
12 when I went through eBay Express, through  
13 their checkout procedure. They use an  
14 organization entitled PayPal. I believe they  
15 own PayPal now, eBay does. What PayPal allows  
16 you to do is it allows individuals to shop the  
17 Internet and purchase products through an  
18 independent organization that transfers the  
19 money from accounts from the buyer to the  
20 seller.

21 This is a receipt of the eBay Express  
22 products I purchased. It's a little difficult  
23 to read because unfortunately this printout  
24 did not incorporate the actual names of the  
products that were purchased, but it does show

1 the different ones I looked at and purchased  
2 and had sent to me.

3 MR. LARSON: I'll ask the court  
4 reporter to also mark, as Metzger Exhibit 20,  
5 what appears to be an email receipt from a  
6 PayPal purchase.

7 - - -

8 (Whereupon, Exhibit Metzger-20  
9 was marked for Identification.)

10 - - -

11 BY MR. LARSON:

12 Q. Mr. Metzger, could you please identify  
13 and describe for me what Metzger Exhibit 20  
14 is?

15 A. Yes. This is a notice that is sent back  
16 to one's email address from PayPal. It's  
17 showing that whatever products you've  
18 purchased through eBay Express have been  
19 successfully ordered, and it shows that they  
20 have been successfully shipped, and it's  
21 telling you the details where you can track  
22 the package. It also lets you know who the  
23 seller was, their address, and when you can  
24 approximately expect to receive your package.

Q. And this was the email receipt you

1 received in connection with purchasing the  
2 Nick Chavez Sexy 'n Sassy Volumizing  
3 Conditioner?

4 A. That's correct, this is one for the  
5 volumizing conditioner.

6 Q. Were you able to purchase any other of  
7 Nick Chavez' Sexy 'n Sassy products on eBay  
8 Express?

9 A. Yes. I purchased a Sexy 'n Sassy  
10 Scrunch Spray product.

11 MR. LARSON: I'll ask the court  
12 reporter to please mark, as Metzger Exhibit  
13 21, the Nick Chavez --

14 THE WITNESS: Actually, we don't  
15 have the product. That's one we're missing.  
16 It's just the photographs.

17 MR. LARSON: Then I'll ask the  
18 court reporter to please mark, as Metzger  
19 Exhibit 21, a photograph of the Nick Chavez  
20 Sexy 'n Sassy Scrunch Spray.

- - -

22 (Whereupon, Exhibit Metzger-21  
23 was marked for Identification.)

- - -

BY MR. LARSON:

1 Q. Mr. Metzger, is Metzger Exhibit 21 an  
2 accurate photograph of one of the products  
3 that you purchased from eBay Express?

4 A. Yes, it is.

5 Q. Could you please identify and describe  
6 for me Metzger Exhibit 21?

7 A. Sure. This is a copy of Nick Chavez'  
8 Beverly Hills Sexy 'n Sassy Scrunch Spray in  
9 the 8 fluid ounce size. Like the conditioner,  
10 it also comes in a silvery bottle with a white  
11 cap. The words "Nick Chavez," "Beverly  
12 Hills," and "Scrunch Spray" are in a black  
13 font, and the words "Sexy 'n Sassy" are in a  
14 bright pink or red font on the front of the  
15 bottle. It also says, For Sexy Volume & Sassy  
16 Body, at the bottom of the front panel.

17 On the back panel you can see the  
18 ingredients, a short description of the  
19 product, and the address of Perfect Plus, who  
20 manufactures and distributes this product.

21 Q. And did you receive an email receipt in  
22 connection with the purchase of this product?

23 A. I did, yes.

24 MR. LARSON: I'll ask the court  
reporter to please mark, as Metzger Exhibit

1 22, what appears to be the email receipt from  
2 the purchase of this product.

3 - - -

4 (Whereupon, Exhibit Metzger-22  
5 was marked for Identification.)

6 - - -

7 BY MR. LARSON:

8 Q. Mr. Metzger, could you please identify  
9 and describe for me what Metzger Exhibit 22  
10 is?

11 A. Yes. This is an email receipt that I  
12 received from PayPal. Again, when you order  
13 via eBay Express and use PayPal as the service  
14 to pay for your products, they will send you  
15 an email receipt showing the shipment details  
16 for the product, also a tracking number you  
17 can use to find out where the product happens  
18 to be. It also identifies the shipper and  
19 gives you an idea of when you can expect to  
20 receive that product in the mail.

21 Q. Did you order both the scrunch spray and  
22 volumizing conditioner, the Sexy 'n Sassy  
23 products, on the same day?

24 A. Yes, I did.

Q. Did you purchase both these products

1 toward their Websites.

2 Q. And in this case, there look to be three  
3 sponsored links for beautyclicks.com,  
4 salonsavings.com, and cosmosboutique.com; is  
5 that correct?

6 A. That's correct.

7 Q. Did you investigate further any of those  
8 sponsored links?

9 A. Yes, I did.

10 Q. Did you click on those links?

11 A. Yes.

12 Q. Where did that take you?

13 A. The first one I clicked on took me to  
14 beautyclicks.com.

15 MR. LARSON: I'll ask the court  
16 reporter to please mark, as Metzger Exhibit  
17 28, what appears to be a Website printout of  
18 the beautyclicks.com Website.

19 - - -

20 (Whereupon, Exhibit Metzger-28  
21 was marked for Identification.)

22 - - -

23 BY MR. LARSON:

24 Q. Mr. Metzger, could you please identify  
25 and describe for me what Metzger Exhibit 28

1 is?

2 A. Yes. This is a printout of the results  
3 when I clicked on the beautyclicks.com link  
4 from my Google search, and it shows the Sexy  
5 Hair Concepts' products being offered by the  
6 Website entitled beautyclicks.com, which they  
7 describe themselves as offering beauty brands  
8 for less.

9 Clearly it's a site that sells these  
10 products directly to consumers through the  
11 Internet.

12 Q. Approximately how many different Sexy  
13 Hair Concepts' products are available for  
14 purchase at beautyclicks.com?

15 A. There appear to be 36 separate products  
16 on these two Webpages.

17 Q. Did you investigate further any of the  
18 other sponsored links from your Google Product  
19 Search for the term "sexy hair"?

20 A. Yes, I did.

21 Q. What was the next one you investigated?

22 A. I clicked on the one for  
23 salonsavings.com.

24 MR. LARSON: I'll ask the court  
reporter to please mark, as Metzger Exhibit

1 29, what appears to be the Website printout  
2 for salonsavings.com.

3 - - -

4 (Whereupon, Exhibit Metzger-29  
5 was marked for Identification.)

6 - - -

7 BY MR. LARSON:

8 Q. Mr. Metzger, could you please identify  
9 and describe for me what Metzger Exhibit 29  
10 is?

11 A. Yes. This is the resulting page that  
12 you're directed to when you click on that link  
13 for salonsavings.com in my Google search. It  
14 brings you to this Website. And it's a little  
15 hard to see unfortunately with a printout, but  
16 on the right-hand side, they have all the  
17 brands that this Web company offers.

18 In the middle window, although it's  
19 difficult to see here, they have a sliding  
20 arrow scale that when you have found what  
21 product you're looking for, you can slide that  
22 scale up and down to see all the different  
23 products that are available. Unfortunately,  
24 because that's an interactive aspect of this  
25 Website, it was not printed out properly on

1 this sheet.

2 But I can tell you, from having seen the  
3 site, that there are approximately 20 to 25  
4 different products that you can view by  
5 sliding that scale up and down and looking at  
6 the different products.

7 Q. Which products are you referring to?

8 A. These products are all from Sexy Hair  
9 Concepts. You can see two of them right now  
10 that the window captured when I printed this  
11 out. Sexy Hair Short Sexy Control Wax and the  
12 Sexy Hair Short Sexy Hard Up Hard Gel are the  
13 two products that are shown here in the  
14 printout.

15 Q. Did you further investigate the third  
16 sponsored link that came up from your Google  
17 Product Search for the term "sexy hair"?

18 A. Yes, I did.

19 Q. And where did that take you?

20 A. It took me to a Website located at  
21 [www.cosmosboutique.com](http://www.cosmosboutique.com), and this Website  
22 appears to be another seller of beauty-type  
23 products, and they carry a variety of  
24 different brands, one of which is Sexy Hair  
25 Concepts.





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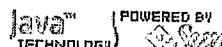
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Listed in category: [Health & Beauty](#) > [Hair Care](#) > [Other Items](#)

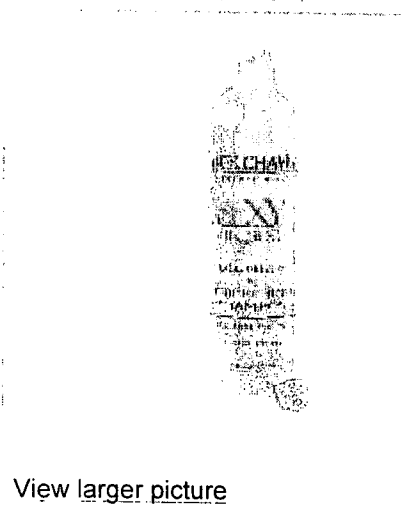
## Nick Chavez Sexy 'n Sassy Shampoo 16 oz \$30

receive (1) 16oz Shampoo SUPER SIZE

Item number: 120075498774

Buyer or seller of this item? [Sign in](#) for your status

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~~Buy It Now~~ price: **US \$25.00** [Buy It Now >](#)

Shipping costs: **US \$6.97** ([discount available](#))  
Other (see description)  
Service to [United States](#)

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Item location: [Elkin, North Carolina, United States](#)

Quantity: [3 available](#)

History: [Purchases](#)

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Seller: [jonau \( 7928 ☆ \)](#)



Feedback: **100% Positive**

Member: since Mar-12-01 in  
[United States](#)

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Score: 7928 | 100% Posit  
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### Description

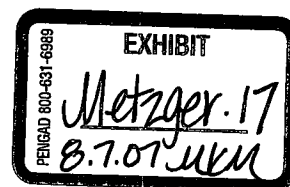
*Item Specifics - Item Condition*

Condition: **New**

[Jonaus Boutique Variety](#)

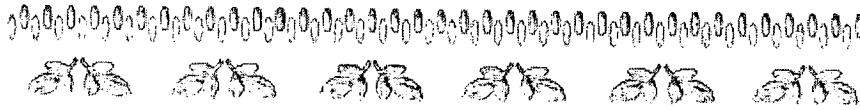
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**CONDITION:**new \$30 value

**unopened/unused**

## **Nick Chavez Sexy N' Sassy Volumizing & Thickening Shampoo**

• (qty 1 ) 16-oz **SUPER SIZE**

**Disclaimer:** this auction is in no way affiliated with or endorsed by **Nick Chavez**

I accept check, money order and Paypal. **Buyer will pay \$6.97 S/H includes tracking#,**  
**OPTIONAL insurance \$1.35.....** I do combine shipping- please email to combine all auctions won  
and pay with (1) Payment. Thank You\*\*\*All Sales Final



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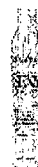
Nick Chavez Sexy 'n Sassy  
Conditioner Shampoo Duo  
\$62

*Buy It Now* **US \$32.00**



NICK CHAVEZ volumizing  
shampoo 2 & conditioner  
duo

*Buy It Now* **US \$20.00**



Nick Chavez Sexy 'n Sassy  
Extra Hold Hairspray 10 oz

*Buy It Now* **US \$13.95**



Nick Chavez Sexy 'n S  
scrunch spray


*Buy It Now* **US \$13.00**

 [Visit seller's Store](#)

## Shipping and handling

 Save on shipping - buy additional items now from this seller's other listings!

**Ships to**  
United States

Country: United States 	Quantity: 1	Update
Shipping and Handling	Each Additional Item	To Service
US \$6.97	+ \$3.50	United States Other (see description)

**Shipping insurance**  
US \$1.35 Optional

**Sales tax**

Seller charges sales tax for items shipped to: NC\* (6.750%).

\* Tax applies to subtotal + S&H for these states only

## Return policy

Return Policy Details: \*\*\*ALL SALES FINAL

## Payment details

Payment method

Preferred/Accepted

Buyer protection on eBay



Accepted

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### Seller's payment instructions

PLEASE CONTACT WITH PAYMENT ARRANGEMENTS within 3 DAYS. \$1.35 INSURANCE (OPTIONAL)

\*\*\*ALL SALES FINAL

## Take action on this item

[Help](#)

Item title: Nick Chavez Sexy 'n Sassy Shampoo 16 oz \$30

### Buy It Now

~~Buy It Now~~ price: **US \$25.00**

Your Quantity: **x 1**

[Buy It Now >](#)

You will confirm in the next step.

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NICK

BENTON

8-7-07

EXHIBIT

Metzger: 18A  
8.7.07 WKM

Max Factor's Sexy 'n Sassy™ hair  
CONDITIONER marries the power of  
nature in this unique cutting-edge  
blend of soy proteins and botanicals like  
ginseng. Gentle on all hair types, it  
adds sexy locks and shine to your hair.  
Leaves all hair types soft, smooth and  
silky, with a natural-looking shine.

For more information on Max Factor's  
hair care products, visit us online at  
www.maxfactor.com. Or call 1-800-  
333-3333.



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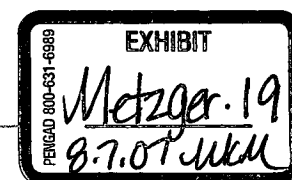
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Shipping Options for 19006		Quantity	Subtotal
OZ!!	Shipping Options: US Postal Service Priority Mail®: <b>US \$5.95</b> (Estimated delivery 2-3 days)	1 	<b>US \$19.90</b>
	Shipping Options: US Postal Service Parcel Post®: <b>US \$4.75</b> (Estimated delivery 2-9 days)	1	<b>US \$18.74</b>
	Shipping Options: US Postal Service Priority Mail®: <b>US \$4.30</b> (Estimated delivery 2-3 days)	1	<b>US \$17.55</b>

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Items: **US \$41.19**  
Shipping: **US \$15.00**  
**Subtotal: US \$56.19**

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**Metzger, John (Phila)**

**From:** service@paypal.com  
**Sent:** Thursday, April 05, 2007 1:11 PM  
**To:** Metzger, John (Phila)  
**Subject:** Your purchase will be shipped by PayPal Shipping with U.S. Postal Service®

Dear John Metzger,

Your package will be shipped by PayPal Shipping with U.S. Postal Service

Kathryn Parsley used PayPal Shipping with U.S. Postal Service to create a shipping label for your package.

You can check the delivery status of your package online at:

<http://trkcnfrml.smi.usps.com/PTSIInternetWeb/InterLabelInquiry.do?origTrackNum=9101150134711813158619>

Please note: Tracking information is updated throughout the day, but most data is transmitted in the afternoon or evening. For example, if your Express Mail® package is mailed today at 10:00 a.m., you might not be able to view tracking information until the next day.

-----  
Shipment Details  
-----

Tracking Number: 9101150134711813158619

Shipped From:

Kathryn Parsley  
13378 N CR 1390 E  
Havana, IL  
62644  
United States

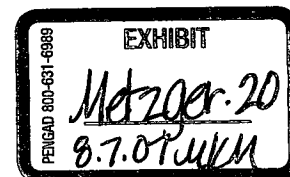
Ship To:

John Metzger  
3899 Sidney Road  
Huntingdon Valley, PA  
19006  
United States

Carrier: U.S. Postal Service

Service Type: Priority Mail® (2-3 days)

-----  
Your Purchase Details  
-----



Amount: \$19.90 USD

Transaction ID: 14M770547E9491059

---

Transaction Details

---

You can view PayPal transaction details related to this shipment at:  
<https://www.paypal.com/us/vst/id=14M770547E9491059>

---

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Item Information

---

eBay Item #: 190042716549  
eBay Item Headline: NICK CHAVEZ~SEXY'N SASSY VOLUMIZING CONDITIONER~16 OZ!!  
eBay Item Quantity: 1  
eBay Item Unit Value: \$13.95 USD

Sincerely,  
PayPal

---

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PayPal Email ID PP242



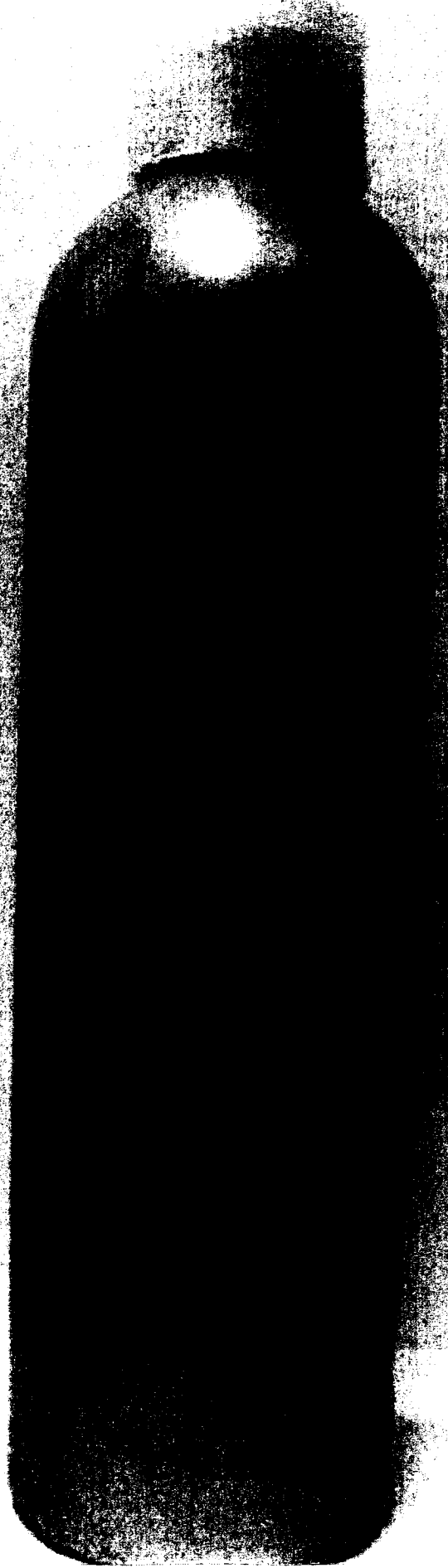
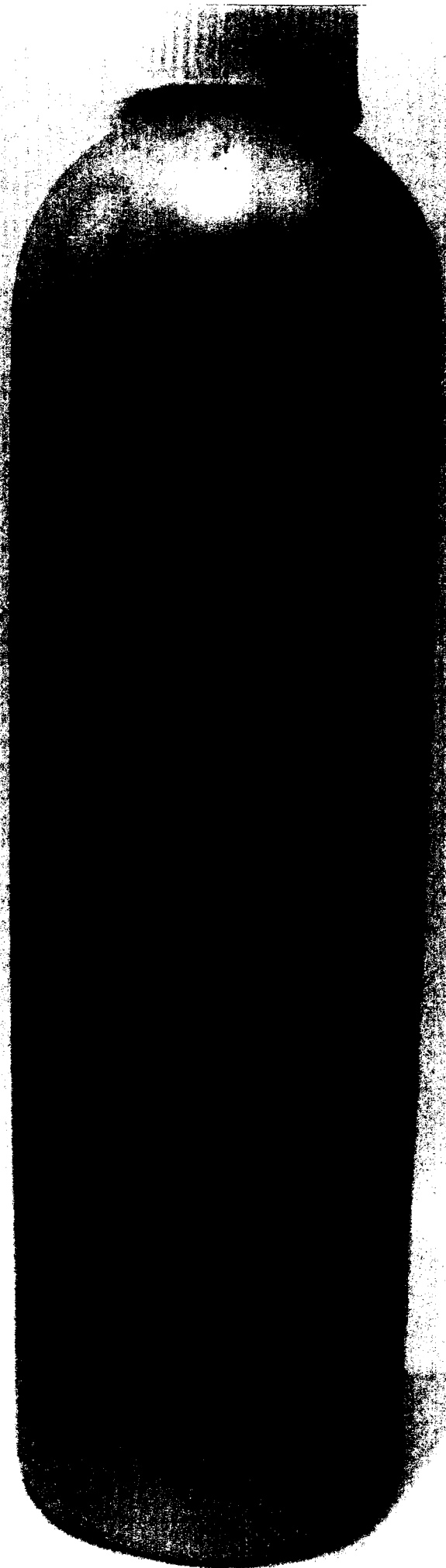


EXHIBIT  
Metzger.21  
8.7.07 MKH

PENICAD 800-631-6080





**Metzger, John (Phila)**

---

**From:** service@paypal.com  
**Sent:** Thursday, April 05, 2007 2:31 PM  
**To:** Metzger, John (Phila)  
**Subject:** Your purchase will be shipped by PayPal Shipping with U.S. Postal Service®

Dear John Metzger,

Your package will be shipped by PayPal Shipping with U.S. Postal Service

Cathy Hohenberger used PayPal Shipping with U.S. Postal Service to create a shipping label for your package.

You can check the delivery status of your package online at:

<http://trkcnfrml.smi.usps.com/PTSIInternetWeb/InterLabelInquiry.do?origTrackNum=9102150134711813284942>

Please note: Tracking information is updated throughout the day, but most data is transmitted in the afternoon or evening. For example, if your Express Mail® package is mailed today at 10:00 a.m., you might not be able to view tracking information until the next day.

-----  
Shipment Details  
-----

Tracking Number: 9102150134711813284942

Shipped From:

Cathy Hohenberger  
P.O. Box 12  
New Galilee, PA  
16141  
United States

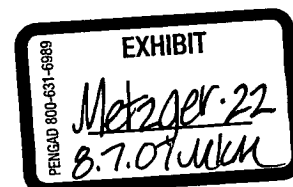
Ship To:

John Metzger  
3899 Sidney Road  
Huntingdon Valley, PA  
19006  
United States

Carrier: U.S. Postal Service

Service Type: Parcel Post® (2-9 days)

-----  
Your Purchase Details  
-----



Amount: \$17.55 USD

Transaction ID: 1JG50067F7888414H

---

Transaction Details

---

You can view PayPal transaction details related to this shipment at:  
<https://www.paypal.com/us/vst/id=1JG50067F7888414H>

---

---

Item Information

---

eBay Item #: 220087429464  
eBay Item Headline: Nick Chavez Sexy N Sassy Scrunch Spray - 8 oz. - NEW!  
eBay Item Quantity: 1  
eBay Item Unit Value: \$13.25 USD

Sincerely,  
PayPal

---

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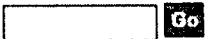
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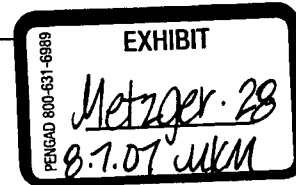
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## Shop By Brand

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**Sexy Hair Concepts -  
 Big Sexy Hair Big  
 Shine 2.5 oz.**  
**\$11.60**



**Sexy Hair Concepts -  
 Big Sexy Hair Big  
 Volume Conditioner**  
**\$9.45**



**Sexy Hair Concepts -  
 Big Sexy Hair Big  
 Volume Shampoo**  
**\$8.50**



**Sexy Hair Concepts -  
 Big Sexy Hair Blow  
 Dry Volumizing Gel  
 8.5 oz.**  
**\$11.65**



**Sexy Hair Concepts -  
 Big Sexy Hair Dense  
 8.5 oz.**  
**\$12.55**



**Sexy Hair Concepts -  
 Big Sexy Hair Extra Big  
 Volume Shampoo**  
**\$10.70**



**Sexy Hair Concepts -  
 Big Sexy Hair Flip it  
 Over 4.4 oz.**  
**\$15.65**



**Sexy Hair Concepts -  
 Big Sexy Hair Root  
 Pump 10.6 oz.**  
**\$14.20**



**Sexy Hair Concepts -  
 Big Sexy Hair Root  
 Pump Plus 10.6 oz.**  
**\$16.10**



**Sexy Hair Concepts -  
 Big Sexy Hair Spray &  
 Play Harder 10.6 oz.**  
**\$15.15**



**Sexy Hair Concepts -  
 Big Sexy Hair Spray  
 and Play**  
**\$6.15**



**Sexy Hair Concepts -  
 Big Sexy Hair What a  
 Tease 2.6 oz.**  
**\$18.75**



Sexy Hair Concepts -  
Curly Sexy Hair  
Conditioner 10 oz.  
\$11.85



Sexy Hair Concepts -  
Curly Sexy Hair Curl  
Power Curl Enhancer  
8.5 oz.  
\$13.05



Sexy Hair Concepts -  
Curly Sexy Hair Curl  
Reactivator 8.5 oz.  
\$13.95



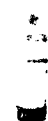
Sexy Hair Concepts -  
Curly Sexy Hair  
Curling Creme 5.1 oz.  
\$13.05



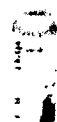
Sexy Hair Concepts -  
Curly Sexy Hair  
Curling Detangler 8.5  
oz.  
\$11.65



Sexy Hair Concepts -  
Curly Sexy Hair  
Shampoo 10 oz.  
\$10.95



Sexy Hair Concepts -  
Hot Sexy Highlights  
Highlighting Shampoo  
6.8 oz.  
\$7.55




Sexy Hair Concepts -  
Short Sexy Hair Blow  
It Up Gel Foam 5.3 oz.  
\$12.10

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## Shop By Brand

Page 2 of 2     Go to Page  

**Sexy Hair Concepts**  
**- Short Sexy Hair**  
**Control Maniac Wax**  
 1.8 oz.  
**\$12.10**



**Sexy Hair Concepts -**  
**Short Sexy Hair**  
**Double Header Spray**  
 6.8 oz.  
**\$15.65**



**Sexy Hair Concepts -**  
**Short Sexy Hair Frenzy**  
**Bulk-Up Texture** 2.5 oz.  
**\$16.10**



**Sexy Hair Concepts -**  
**Short Sexy Hair Hard Up**  
**Gel**  
 4.4 oz.  
**\$3.95**



**Sexy Hair Concepts**  
**- Short Sexy Hair**  
**Hold Out** 4.4 oz.  
**\$12.80**



**Sexy Hair Concepts -**  
**Short Sexy Hair Play**  
**Dirty Dry Wax** 4.4 oz.  
**\$15.65**



**Sexy Hair Concepts -**  
**Short Sexy Hair Quick**  
**Change** 1.7 oz.  
**\$12.10**



**Sexy Hair Concepts -**  
**Short Sexy Hair Rough**  
**& Ready Styling Gunk**  
 4.4 oz.  
**\$13.55**



**Sexy Hair Concepts**  
**- Short Sexy Hair**  
**Shatter** 4.2 oz.  
**\$12.60**



**Sexy Hair Concepts -**  
**Short Sexy Hair Slept**  
**In Texture Creme** 5.1  
 oz.  
**\$13.75**



**Sexy Hair Concepts -**  
**Short Sexy Hair What A**  
**Body Ultra Bodifying**  
**Blow Dry Gel** 6.8 oz.  
**\$12.55**



**Sexy Hair Concepts -**  
**Silky Sexy Hair Frizz**  
**Eliminator** 4.2 oz.  
**\$17.95**



Sexy Hair Concepts  
- Silky Sexy Hair  
Satin Hairspray 8.5  
oz.  
\$13.05



Sexy Hair Concepts -  
Silky Sexy Hair Silky  
Conditioner 10 oz.  
\$11.35



Sexy Hair Concepts -  
Silky Sexy Hair Silky  
Shampoo 10 oz.  
\$10.40



Straight Sexy Hair -  
Power Straight  
Straightening Balm 3.4  
oz.  
\$13.99

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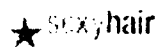
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### Sexy Hair Short Sexy Control Wax

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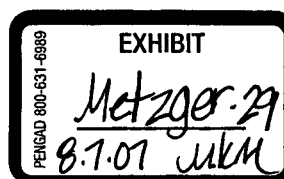
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TIGI Bed Head

TIGI Catwalk

TIGI S Factor

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